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# MILITARY PAY AND ALLOWANCES ENTITLEMENTS MANUAL

REPRINT INCLUDING CHANGE 85
(AUGUST 1986)

**1 JANUARY 1967**

D 1.6/2:

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

[illegible]

2 Nov 1966

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Department of Defense Military Pay and Allowances Entitlements Manual

The subject Manual has been reviewed by the military departments and approved by the Department of Defense Military Pay and Allowance Committee as required by DoD Directive 5154.13. Changes to this Manual will be promulgated in accordance with that directive.

This Manual supersedes military pay and allowances entitlements regulations relating to active duty military personnel effective 1 January 1967.

R N Anthony
Robert N. Anthony
Assistant Secretary of Defense

Cyrus Vance 2 Nov 1966
Approved
Deputy Secretary of Defense

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# IMMEDIATE ACTION

DEPARTMENT OF DEFENSE
MILITARY PAY AND ALLOWANCES
ENTITLEMENTS MANUAL
CHANGE 85

DEPARTMENT OF DEFENSE
WASHINGTON DC
**30 April 1986**

**DODPM, 1 January 1967, is changed as follows:**

**1. Effective Date.** As shown below.

**2. Explanation and Purpose of Change (paragraph numbers shown):**

**a. Bibliography Citation (paragraph 10212).** Provides more currently accessible reference.

**b. Saved Pay and Allowances (paragraph 10221c).** Eliminates outdated terminology.

**c. Medical Pay (paragraphs 10512a and 10542b).** Updates Army references for special pay for medical and dental officers.

**d. Foreign Duty Pay (paragraph 10605b).** Clarifies circumstances under which advance pay for PCS may be made.

**e. Reenlistment Bonus (paragraph 10901b(3)).** Clarifies existing policy for receipt of enlistment/reenlistment bonus by Reservists.

**f. Duty Subject to Hostile Fire or Imminent Danger (paragraph 11002).** Adds country of Columbia as a designated area.

**g. Diving Duty—Rates Payable (paragraph 11103b(2)(a)).** Adds SNECs to the combatant swimmer and revises various SNEC to PNEC, and NEC to SNEC.

**h. Aviation Career Incentive Pay (ACIP) and Setting 180-Day Period Prior to Medical Disqualifications (paragraphs 20126, 20127, 20129, and 20130).** Shows disqualification for medical incapacity will be effected on first day following a period of 180 days that commences on the date of incapacitation.

**i. Basic Allowance for Quarters (BAQ) (table 3-2-3).** Clarifies entitlement to BAQ while on TAD orders to sea duty for periods in excess of 90 days.

**j. Basic Allowance for Quarters (BAQ) (new paragraph 30237.3).** Implements provisions of Comptroller General Decision B-2154441/215630, 29 Jan 1985.

**k. Address Change (paragraph 30502b).** Provides information referenced by paragraph 30515.

**l. Advance Pay (table 4-1-1, note 1).** Adds Masset, British Columbia, to the list of stations authorized foreign duty pay.

**m. Advance Pay (table 4-1-2, note 2).** Reestablishes liquidation schedules as directed by ASD(MI&L) memo of 4 Feb 1985.

**n. Separation Pay (part 4, chapter 4, section b).** Clarifies entitlement to separation pay for members involuntarily released from active duty.

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Supersedes Interim Changes 487 (BAQ—Navy), 488 (Advance Pay), 489 (Medical Pay—Other Services), 490 (Foreign Duty Pay), 491 (Advance Pay), 492 (BAQ), 493 (ACIP), 494 (Separation Pay), 495 (Hostile Fire or Imminent Danger), 496 (Separation Pay—Other Services), 497 (Diving Duty—Other Services), 498 (Reenlistment Bonus) and 509 (BAQ). IMCs 499 through 508 will be included in the next change.

No. of Printed Pages:

DISTRIBUTION: **92**

Air Force: F, X (same as basic)

Army: To be distributed in accordance with DA Form 12-9 requirements for AR, Financial Administration:
  Active Army—B (Quan Rqr Block No. 93)
  ARNG—A (Quan Rqr Block No. 92)
  USAR—A (Quan Rqr Block No. 92)

Navy and Marine Corps: Distribution to activities having military personnel

**o. Members in a Missing Status (tables 4-3-1 and 4-3-2).** Changes address of Marine Corps offices responsible for making determinations and maintaining accounts for missing members.

**p. Readjustment and Severance Pay (paragraph 40421 and tables 4-4-7 and 4-4-10).** Gives Service Secretaries authority to deny readjustment or severance pay when conditions warrant.

**q. Bibliography (paragraphs 10212, 20126, 20127, 20130, and new paragraph 30237.3).** Revises bibliography to include pertinent citations.

**3. Grammatical and Format Corrections.** Elimination of sex-based terminology and corrections of certain publication errors in punctuation, spelling, DLT structure, and so forth have been made. Corrected material is not indicated by a "star" as new or revised material. These corrections have no effect on the entitlement contents of the manual.

**4. Write-In Changes:** None.

**5. New or Revised Material.** Indicated by a ★.

**6. Page Changes.** Insert the attached reprinted pages and remove corresponding pages. These pages and corrections have been approved by the Department of Defense Military Pay and Allowance Committee under procedures prescribed by the Secretary of Defense in DODD 5154.13 pursuant to 37 U.S.C. 1001.

# CHECKLIST OF PAGES IN FORCE—DODPM

Use this list to verify accuracy of your manual. If, after verification, you find some pages are missing, check pages removed to ensure that good pages were not discarded. Circle on this list any pages that are still missing. If pages are missing, order replacement copy of the change from your active publication supply source as stated in the regulations of the service concerned.

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DEPARTMENT OF DEFENSE
MILITARY PAY AND ALLOWANCES
ENTITLEMENTS MANUAL

DEPARTMENT OF DEFENSE
WASHINGTON D C
1 JANUARY 1967

# INTRODUCTION
# TO
# DEPARTMENT OF DEFENSE
# MILITARY PAY AND ALLOWANCES ENTITLEMENTS MANUAL

1. **Purpose.** This manual provides statutory provisions for entitlements, deductions, and collections, and establishes Department of Defense policy on the pay and allowances of military personnel. It is issued by the Assistant Secretary of Defense (Comptroller) through the Military Pay and Allowance Committee (MPAC) in coordination with the Assistant Secretaries (FM) of the Army, Navy, and Air Force.

2. **Applicability.** The provisions of this manual apply to all Department of Defense activities. The manual is issued for the information, guidance, and compliance of all personnel in the administration of military pay. It will be the sole entitlement implementation by the services. The manual will supersede existing directives on military pay entitlement and is effective 1 Jan 1967.

3. **Relationship to Other Directives.** This manual is to be used with the systems and procedural pay directives of each of the services. Appropriate references have been included in the manual text. Travel allowance entitlements are not included, as these instructions are covered by the Joint Travel Regulations (JTR) and service directives.

4. **Arrangement of Text:**

a. **Format.** This manual consists of one volume with eight parts:

Part One —Basic and Special Pay.
Part Two —Incentive Pay.
Part Three —Allowances.
Part Four —Miscellaneous Payments.
Part Five —Payment of Service Academy Cadets, Midshipmen, Academy Officials and Aviation Cadets.
Part Six —Allotments of Pay.
Part Seven —Deductions and Collections.
Part Eight —Pay and Allowances for Members of the Reserve Components (Not on Extended Active Duty) and ROTC.

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DISTRIBUTION:
Air Force: F, X (same as basic)
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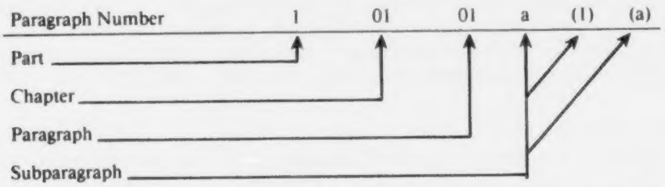
Navy and Marine Corps: Distribution to activities having military personnel

**b. Attachments.** Attachments such as glossary of terms, comparable terms, etc., follow the text of the manual.

**c. Contents Page.** A contents page, which lists contents of the manual down to section level, follows the introduction. In addition, a contents page, which lists contents down to paragraph level and appropriate Decision Logic Tables (DLTs), precedes each part.

**d. Numbering Paragraphs and Pages:**

(1) The system used for numbering paragraphs indicates the part, chapter, and paragraph. Further divisions of paragraphs are indicated by small letters, Arabic numerals in parentheses, small letters in parentheses. For example:



(2) The system for numbering pages indicates the part and page. Each part begins with page 1, preceded by the number of the part. For example: pages in part one are numbered 1-1, 1-2, and so on; pages in part two are numbered 2-1, 2-2, and so on. The pages of the General Contents are numbered in lower case Roman numerals. For example: i, ii, and so on. The pages of the contents sheets before each part are in lower case Roman numerals preceded by the number of the part. For example: 1-i, 1-ii, 2-i, 2-ii, and so on. Pages in the attachments are numbered A1-1, A1-2, A2-1, A2-2, and so on.

(3) In correspondence, messages, etc., refer to this manual as DODPM by paragraph number (subparagraph or DLT if appropriate). For example: "DODPM, paragraph 10401a(1)."

**e. Use of Decision Logic Tables (DLT).** Decision Logic Tables have been used throughout the manual to simplify technical instructions.

**(1) Format.** DLTs usually contain the following parts:

(a) Table heading to identify the type of instruction.

(b) Column headings, alphabetically designated. A heavy black line separates condition column headings from action column headings.

(c) Condition and action statement rules, numerically designated. A heavy blank line separates condition and action headings from condition and action statement rules. For example:

Table Heading

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | Column Heading | Column Heading | Column Heading | Column Heading | Column Heading |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |

(2) **Reading DLTs.** Follow this sequence in reading DLTs:

(a) Table heading, to identify instructions.

(b) Heading for column A, which leads you to the condition statements that describe the problem you are solving. Condition statements may be an extension of data in column headings, or may be limited to "X" or to "Y" or "N." "Y" means yes. "N" means no. If the condition does not apply for that rule, the condition statement is left blank.

(c) If additional conditions are to be considered, you will know this from column headings B, C, etc.

(d) Then follow the rule line for the conditions describing your precise problem to the specific action statement which applies. Action statement may be an extension of data in action column headings, or may be limited to an "X." "X" means "take this action." The action statement is left blank if that action does not apply, or you are not to take that action.

## 5. Revisions:

**a. Regular Changes.** Revisions will be published by means of changes to the manual. Changes will be dated and numerically identified beginning with number one. A brief resume will be stated on each change cover sheet which will be inserted, in order, in the manual. New or revised instructions appearing on the pages of a change are indicated by a star placed immediately before the new or revised paragraph, subparagraph, DLT, etc. A list of sheets-in-force in the manual will be issued with each change to provide a checklist for the currency of the manual.

**b. Interim Changes.** All changes requiring rapid dissemination will be made by normal means employed by the service concerned. Such instructions will be formalized and incorporated in the next regular change to the manual.

**c. Effective Date of Changes.** The effective date of changes to the manual will be as stated in the cover sheet accompanying a regular change or as dictated in an interim change message.

## 6. Requests for Technical Assistance:

a. Send requests for technical assistance through channels of the service concerned to:

★(1) Army—ACOA (F&A) Attn: DACA-FAP-PAE, Indianapolis IN 46249.

(2) Navy—Commander, Navy Accounting and Finance Center, Military Pay Systems Department, Washington DC 20376.

(3) Marine Corps—Commandant of the Marine Corps (FDD), Washington DC 20380.

★(4) Air Force—Air Force Accounting and Finance Center (AFAFC/XS), Denver, CO 80279-5000.

b. When required, the above offices submit requests for technical assistance to the Department of Defense, Military Pay and Allowance Committee, for resolution.

7. **Manual Maintenance.** The Air Force Accounting and Finance Center (AFAFC) has been assigned responsibility for maintenance of the manual. Recommendations for changes will be prepared and submitted by any of the services through service channels for submission to MPAC by that service's committee member.

8. **Approval.** This manual has been approved by the Department of Defense, Military Pay and Allowance Committee, under procedures prescribed by the Secretary of Defense in DOD Directive 5154.13, pursuant to 37 U S C 1001.

9. **Source of Procurement.** Request copies of this manual, and changes thereto, through the publication supply channel of the appropriate service.

## GENERAL CONTENTS

# DEPARTMENT OF DEFENSE MILITARY PAY AND ALLOWANCES ENTITLEMENTS MANUAL

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# PART ONE

# BASIC AND SPECIAL PAY

## CHAPTER 1

## SERVICE CREDITABLE

### 10101. Service Creditable

Basic pay varies with the number of years' service a member has credited. In computing cumulative years of service for this purpose, members are credited full time service as follows:

**a. Organizations in General.** Active or inactive service as a commissioned officer, commissioned warrant officer, warrant officer, flight officer, or enlisted member in any of the following:

Air Corps Reserve
Air Force Reserve
Air Force of the United States (without specification of component)
Air National Guard
Air National Guard of the United States
Army of the United States (without specification of component)
Army National Guard
Army National Guard of the United States
Army Reserve
Coast and Geodetic Survey (see c below)
Coast Guard Reserve
Commissioned Corps of the Environmental Science Services and Administration
Dental Reserve Corps of the Navy
Enlisted Reserve Corps
Enlisted Section of the Air Force Reserve
Marine Corps Reserve
Marine Corps Reserve Force
Medical Reserve Corps of the Army
Medical Reserve Corps of the Navy
National Guard
National Guard of the United States
National Guard Reserve
National Naval Volunteers
Naval Reserve
Naval Reserve Force
Nurse Corps of the Public Health Service
Nurse Corps Reserve of the Public Health Service
Officers' Reserve Corps
Officers' Section of the Air Force Reserve
Organized Reserve Corps
Philippine Constabulary before 4 Jul 1946
Philippine Scouts
Public Health Service
Regular Air Force
Regular Army
Regular Army Reserve
Regular Coast Guard
Regular Marine Corps
Regular Navy
Reserve Corps of the Public Health Service

**b. Nurse Service Before 16 Apr 1947.** Creditable periods are those during which members held appointments as a nurse, Reserve nurse, or commissioned officer in the Army Nurse Corps or the Navy Nurse Corps, or the Reserve components thereof, as they existed before 16 Apr 1947.

**c. Coast and Geodetic Survey.** Creditable service in the Coast and Geodetic Survey includes service in the current grades of ensign and above and service as a deck officer or junior engineer. It does not, however, include service as a shipkeeper, seaman, fireman, oiler, etc., under "shipping articles."

**d. Service Counted on 10 Jan 1962.** All service is creditable which, under any law in effect on 10 Jan 1962, was creditable in computing basic pay.

**e. Service on Retired List or as Member of Fleet Reserve or Fleet Marine Corps Reserve.** Creditable periods are those while on a temporary disability retired list, honorary retired list, or retired list of any uniformed service; and periods while entitled to retired pay, retirement pay, or retainer pay from any uniformed service or the Veterans Administration as a member of the Fleet Reserve or Fleet Marine Corps Reserve.

**f. Honorary Reserve.** All periods while a member of the Honorary Reserve of the Officers Reserve Corps or the Organized

Reserve Corps are creditable.

**g. Women's Army Auxiliary Corps.** Effective 7 Aug 1959, active service during the period 14 May 1942 through 29 Sep 1943 as a member of the Women's Army Auxiliary Corps (WAAC) may be counted if active military service is performed after 29 Sep 1943.

**h. Army and Air Force Officers Restored to Duty Under Act of 29 Jun 1948.** The period between date of removal and date of restoration of an Army or Air Force officer restored to the active list under the Army and Air Force Vitalization and Retirement Equalization Act of 1948 is creditable.

**i. Retention for Medical Care After Expiration of Term of Service.** Any period on and after 12 Dec 1941 when an enlisted member of an Armed Force is retained in service, after expiration of term of service, for medical treatment or hospitalization for disease or injury incident to service and not due to misconduct is creditable.

**j. Service Before Attainment of Statutory Age for Enlistment.** Any service which is otherwise creditable may be counted even if the service was performed before a member attained the statutory age for enlistment. Such service may not be counted if it is determined to be fraudulent and is voided for that reason.

**k. Temporary Member of Coast Guard Reserve.** Active service performed as a temporary member of the Coast Guard Reserve is creditable.

**l. Army of the United States Commissions—World War II.** Appointments made on and after 7 Dec 1941 in the Army of the United States, without component, under the Joint Resolution of 22 Sep 1941, are considered to have continued in effect through 31 Mar 1953 unless terminated before that date by administrative action or specific law. The period from the date of separation through 31 Mar 1953 may be credited for officers who:

(1) Did not have Reserve or National Guard status,

(2) Did not accept a Reserve commission, and

(3) Were separated on or before 31 Mar 1953 without vacating their AUS status.

**m. Warrant Officer Appointment—World War II.** For a temporary appointment as a warrant officer under section 3 of the Act of 21 Aug 1941, the period from separation from active duty through 1 Apr 1953 is creditable unless the appointment was expressly terminated earlier.

**n. Flight Officer Appointment—World War II.** For an appointment as a flight officer under the Flight Officer Act of 8 Jul 1942, the period from separation from active duty through 27 Oct 1952 is creditable unless the appointment was expressly terminated earlier.

**o. Service Terminated by Desertion or Dishonorable Discharge.** Service in an enlistment terminated by desertion or dishonorable discharge is creditable unless the enlistment was fraudulent and was voided for that reason.

**p. Women's Army Corps.** Appointments in the Women's Army Corps in the Army of the United States, without component, if not previously terminated, were terminated on 31 Mar 1953. Such service is creditable for basic pay purposes.

**q. Service as Cadet or Midshipman.** Cadet or midshipman service is creditable in computing basic pay of enlisted members. For officers see table 1-1-1.

**r. Detail to Agencies Such as the Agency for International Development (AID), Department of State.** Service with AID and certain other agencies under agreement such as that between the Department of Defense and AID is creditable.

**s. Reserve Officers' Training Corps.** Service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps is creditable service as follows:

(1) Before 13 Oct 1964. Any member who had concurrent reserve status.

(2) After 12 Oct 1964. An enlisted member who had concurrent reserve status.

**t. Aviation Midshipman.** Service in the aviation midshipman program, Act of 13 Aug 1946, Chapter 962, 60 Stat 1057, is creditable service for basic pay purposes effective on and after 26 Dec 1974.

## 10102. Constructive Service Credit for Medical and Dental Officers

**a. Crediting of Constructive Service After 14 Sep 1981.** Crediting of constructive service for medical or dental training or internship is not authorized after 14 Sep 1981 except as provided in b below.

**b. Savings Provisions for Constructive Service Previously Granted.** Prior to 15 Sep 1981, medical and dental officers who completed medical/ dental training received 4 years' credit for such training. Medical officers who completed medical internship or its equivalent or entered military status while serving such internship received an additional 1 year credit. The 4- or 5-year constructive service credit is reduced when required by c below. After 14 Sep 1981, medical/dental officers with military or public health service status may be credited with constructive service if one of the following conditions exist:

(1) On 14 Sep 1981 they are enrolled in the Armed Forces Health Professions Scholarship Program or Uniformed Services University of the Health Sciences and complete such program or graduate on or after 15 Sep 1981 and are appointed as medical or dental officers (includes Public Health Service).

★(2) On 14 Sep 1981, they were participating in a program leading to:

(a) an appointment as an officer in the Army, Navy, Air Force, or Marine Corps and,

(b) the crediting of years of service.

(3) On 15 Sep 1981 they were medical or dental officers (includes officers of the Public Health Service commissioned as medical or dental officers) entitled to include constructive service.

**c. Reduction of Constructive Service for Dual Credit.** Reduce the 4- or 5-year credit by the amount of any service otherwise counted (such as active duty or reserve status) which covers any part of the actual periods spent in medical or dental school or as an intern.

(1) Constructive service credit, for medical or dental officers who accept their commissions during the time they are medical/dental students is computed on a 4-year basis.

(2) Constructive service credit, for medical officers who accept a commission while interning, is computed on a 5-year basis.

(3) Medical/dental officers who were commissioned before entering medical/dental school, are still entitled to any allowable constructive service credit.

(4) No reduction of constructive service credit is required for the period medical or dental officers participated in the Armed Forces Health Professions Scholarship Program, or while students of the Uniformed Services University of Health Sciences, since they were not given any creditable service for pay purposes for that period of service.

**d. Examples:** Constructive Service Credit for Medical and Dental Officers. All examples except (6) assume no creditable service before acceptance of commission.

(1) Dental officer completed all education requirements before accepting commission. Constructive service credit: 4 years.

(2) Medical officer completed internship before accepting commission. Constructive service credit: 5 years.

(3) Medical officer entered medical school 9 Sep 1970 and graduated 28 May 1974, interned at a civilian nospital during the period 1 Jul 1974-30 Jun 1975, and accepted a commission on 12 Jan 1972. Compute as follows:

| Note | Year | Month | Day |
|---|---|---|---|
| a. | 74 | 05 | 28 |
| b. | 72 | 01 | 12 |
| c. | 2 | 04 | 17 |
| | (1 day added for inclusive dates) | | |
| d. | 3 | 11 | 30 (4 years) |
| e. | 2 | 04 | 17 |
| f. | 1 | 07 | 13 |

Notes:
- a. Graduated
- b. Accepted Commission
- c. Dual Status
- d. Maximum credit
- e. Less Dual Status
- f. Constructive Credit

(4) Same as (3) above except officer accepted a commission on 12 Jan 1975. Since officer accepted a commission while interning, computation is based on 5 years constructive credit.

| Note | *Year* | *Month* | *Day* | |
|---|---|---|---|---|
| a. | 75 | 06 | 30 | |
| b. | 75 | 01 | 12 | |
| c. | 0 | 05 | 19 | |

(1 day added for inclusive dates)

| | | | | |
|---|---|---|---|---|
| d. | 4 | 11 | 30 | (5 years) |
| e. | 0 | 05 | 19 | |
| f. | 4 | 06 | 11 | |

Notes:

a. Completed Internship
b. Accepted Commission
c. Dual Status
d. Maximum Credit
e. Less Dual Status
f. Constructive Credit

(5) This officer attended the same medical school as (3) above, but accepted a commission on 9 Sep 1962 (before entering medical school).

| Note | *Year* | *Month* | *Day* | |
|---|---|---|---|---|
| a. | 74 | 05 | 28 | |
| b. | 70 | 09 | 09 | |
| c. | 3 | 08 | 20 | |

(1 day added for inclusive dates)

| | | | | |
|---|---|---|---|---|
| d. | 3 | 11 | 30 | (4 years) |
| e. | 3 | 08 | 20 | |
| f. | 0 | 03 | 10 | |

Notes:

a. Graduated
b. Entered School
c. Dual Status
d. Maximum Credit
e. Less Dual Status
f. Constructive Credit

NOTE: This member could have been on active duty during any or all of the medical/dental school attendance period, and it would make no difference in the computation. However, the effective date of the change to the basic date for pay purposes (paragraph 10109) is the date officer was designated a medical officer. For any periods of active duty, active duty for training, or inactive duty training in a pay status, before being designated a medical/dental officer, the member would be paid based on the normal basic date for pay purposes.

(6) Member enlisted in the Army Reserve on 15 May 1969 and entered medical school on 1 Sep 1970, was discharged from the Army Reserve on 31 Aug 1972, accepted a commission in the Air Force Reserve on 1 Sep 1972, and graduated on 3 Jun 1974.

| Note | *Year* | *Month* | *Day* | |
|---|---|---|---|---|
| a. | 74 | 06 | 03 | |
| b. | 70 | 09 | 01 | |
| c. | 3 | 09 | 03 | |

(1 day added for inclusive dates)

| | | | | |
|---|---|---|---|---|
| d. | 3 | 11 | 30 | (4 years) |
| e. | 3 | 09 | 03 | |
| f. | 0 | 02 | 27 | |

Notes:

a. Graduated
b. Entered School
c. Dual Status
d. Maximum Credit
e. Less Dual Status
f. Constructive Credit

NOTE: This member could have been in any branch of service, active or inactive, enlisted, warrant or commissioned status, and it would make no difference in the computation of the dual status period and constructive service credit.

## 10103. Service Not Creditable

The types of service listed below are not creditable. This list is not all-inclusive, but shows some of the service precluded by law.

a. **Fraudulent Enlistment.** Time spent in an enlistment which is determined to be fraudulent and is specifically terminated by reason of fraud. (A member is entitled to credit for time in a fraudulent enlistment which is not voided by the Government.)

b. **Officer in Phillippine Army.** Service as a commissioned officer in the Army of the Philippines.

c. **Constructive Service for Determining Grade and Eligibility for Promotion.** The constructive service authorized Army and Air Force officers by the Act of 28 Dec 1945 (59 Stat 664) for determining grade and eligibility for promotion.

d. **Emergency Officers Retired List.** The period of time a member was on the Emergency Officers Retired List.

e. **State, Home, or Territorial Guard.** Time spent as a member of a State, Home, or Territorial Guard.

f. **Reserve Officers' Training Corps.** For commissioned officers any period of service after 12 Oct 1964 as a member of the Army, Navy or Air Force Reserve Officers' Training Corps, notwithstanding that they held concurrent reserve status.

**g. Inactive National Guard.** Time when a person was a member of the inactive National Guard (as distinguished from the National Guard Reserve and National Guard of the US) is not creditable. If a member held a commission or an enlisted status in the inactive National Guard and the National Guard of the US at the same time, such service is creditable.

**h. Service Under Armed Forces Health Professions Scholarship Program.** Time served as a commissioned officer while training under the Armed Forces Health Professions Scholarship Program (chapter 105, title 10, USC) (see paragraph 10102c).

**i. Service as a Student of Uniformed Services University of Health Sciences.** Time served as a commissioned officer while a student of the Uniformed Services University of Health Sciences (chapter 104, title 10, USC) is not creditable service (see paragraph 10102c). However, creditable service accrued before entry into the program can be counted for basic pay longevity purposes while a student, not to exceed the limit of grade 0-1 as shown in table 1-2-5 or 0-1E as shown in table 1-2-6.

## 10104. Effect of Absence From Duty on Creditable Service

**a. Absence While in Officer Status.** Authorized or unauthorized absence while a member is in a commissioned or warrant officer status is counted as creditable service. Absence of commissioned or warrant officers because of sickness, due to misconduct or because of confinement while awaiting (and during) trial, as distinguished from enlisted members under similar circumstances, is counted as creditable service. Absence during which a member was serving on active duty as an enlisted man and was a Reserve officer is creditable.

**b. Absence While in Enlisted Status** (see table 1-1-2).

**c. Making Up Time Lost During Enlistment.** After return to full duty an enlisted member is liable to make up time lost. The time served to make up time lost is creditable service. If a member is held (but not restored to a duty status) for trial or to serve sentence, this does not count as making up time lost and is not creditable. Example: During a 4-year enlistment, a member was in a nonduty status for 1 year. Member is retained in service 1 year beyond the date enlistment would have expired. The year during which member was retained in service is counted in computing basic pay. Member is entitled to total credit for 4 years (the period actually served) but not 5 years.

## 10105. Active Enlisted and Warrant Officer Service—Pay Grades O-1E, O-2E, or O-3E

**a. Service Counted:**

(1) Commissioned officers in pay grades O-1, O-2, or O-3 are entitled to the special rate of pay for O-1E, O-2E, or O-3E, if the officer has had over 4 years of active service as an enlisted member. In computing active enlisted service, include active duty for training in an enlisted status.

(2) Effective 1 Sep 1980, commissioned officers in pay grades O-1, O-2, or O-3 are entitled to the special rate of pay for O-1E, O-2E, or O-3E, if the officer has had over 4 years of active service as a warrant officer. In computing this active warrant officer service, include active duty for training in a warrant officer status.

★(3) Effective 1 Oct 1983, commissioned officers in pay grades O-1, O-2, or O-3 are entitled to the special rate of pay for O-1E, O-2E, or O-3E if the officer has a combined total of over 4 years' active service as a warrant officer and enlisted member. In computing this active warrant officer and enlisted service, include active duty for training in a warrant officer or enlisted status.

**b. Service Not Counted.** In computing active service, do not count active service in a dual status in the Navy or Marine Corps (temporary officer—permanent enlisted).

## 10106. Service Creditable for Assignment to Pay Grades E-8 and E-9

The following service is creditable for assignment to pay grades E-8 and E-9:

a. Active duty as an enlisted member.

b. Active duty for training as an enlisted member.

c. Service in a dual status (temporary officer—permanent enlisted).

d. Service in a dual status (member of a service academy—enlisted).

e. Inactive enlisted service.

## 10107. Computing a Period of Service

**a. No Duplicate Credit for Same Period.** Service to be counted in determining basic pay rate is the total of all periods authorized as creditable service. The same period of time cannot be counted more than once.

**b. Month Computed on 30-Day Basis.** In computing service, consider each month to consist of 30 days regardless of the actual number of days in the month.

**c. Date of Enlistment.** Count enlisted service commencing with the date of enlistment.

**d. Date of Appointment.** Count commissioned service, except as stated in subparagraph f below, commencing with the date the appointment was accepted. Count National Guard appointments commencing with the date Federal recognition is extended.

**e. Appointment to Service Academy.** For a member entitled to count cadet or midshipmen service, count such service commencing with the date of admittance to the academy concerned.

**f. Commissioned from US Military Academy.** For an officer commissioned upon graduation from the US Military Academy, count service commencing with the date of graduation.

**g. Appointment in Public Health Service.** For an officer entitled to count service as acting assistant surgeon, intern, or hospital steward in the Public Health Service and Public Health Marine Hospital Service, count such service commencing with the date the appointment was accepted. Do not count service performed before that date.

## 10108. How to Compute Total Creditable Service for Basic Pay

**a. Basic Method Without Regard to Lost Time.** To compute creditable service, use the following method for all periods during which no time was lost:

(1) List all beginning dates. Never change these.

(2) List all ending dates. Change the ending date to 30 if it is the last day of the month and other than 30. CAUTION: If service ends on 28 February of a leap year, do not change the 28 to 30, since the 29th is the last day of the month.

(3) Add all beginning dates.

(4) Add all ending dates.

(5) Subtract total beginning dates from total ending dates. (If more months are needed to make the subtraction, deduct 1 year from the total ending dates and add 12 months. If more days are needed, deduct 1 month from total of ending dates and add 30 days.)

(6) Add 1 day for each period of continuous service to account for inclusive dates.

(7) Convert the result into full years, months, and days. This is the amount of service creditable for basic pay purposes.

**Example 1:**

| **Component** | **From** | **To** |
|---|---|---|
| RA (Enl) | 51 Jan 1 | 54 Feb 28 |
| AUS (Com) | 54 Jun 1 | 61 May 26 |
| AFUS (Com) | 63 Aug 1 | 68 Mar 31 |
| USAF (Com) | 68 Apr 1 | 75 Jun 4 |

| **Beginning Dates** | | | **Ending Dates** | | |
|---|---|---|---|---|---|
| **Yr** | **Mo** | **Day** | **Yr** | **Mo** | **Day** |
| 51 | 1 | 1 | 54 | 2 | 30 |
| 54 | 6 | 1 | 61 | 5 | 26 |
| 63 | 8 | 1 | 75 | 6 | 4 |
| 168 | 15 | 3 | 190 | 13 | 60 |

(Note that period from 1 Aug 1963 through 4 Jun 1975 is continuous service.)

| **Yr** | **Mo** | **Day** | |
|---|---|---|---|
| 190 | 13 | 60 | (total of ending dates) |
| 168 | 15 | 3 | (total of beginning dates) |
| 21 | 10 | 57 | |
| — | — | +3 | (day for each period to cover inclusive dates) |
| 21 | 10 | 60 | |
| 22 | 0 | 0 | (total creditable service converted to full years) |

Member completed 22 years' service 4 Jun 1975.

**b. Computing Periods of Service Involving Lost Time.** Compute separately those periods of enlistment during which some time was lost. Add total of such periods to total computed under subparagraph a above.

(1) Lost Time Not Made Good. When the lost time is not made up, compute the lost time on a 30-day-month basis, except that in any case when the absence begins on the 31st day of a month, that day is counted as a day lost. Compute as follows: Date of discharge minus date of enlistment, plus 1 day for in-

clusive dates, minus number of days lost computed on 30-day-month basis. Add this total to the total computed under subparagraph a above.

★**Example 2:** Member enlisted 18 Jul 1970 for 4 years, and was AWOL from 10 Feb 1973 through 16 Mar 1973. Member was given a hardship discharge 10 Aug 1973; the lost time was not made good. Member reenlisted 20 Feb 1975. Creditable service on reenlistment is computed as follows:

| Yr | Mo | Day | |
|---|---|---|---|
| 73 | 8 | 10 | (ending date of last period of service) |
| 72 | 19 | 40 | (month changed to 30 days and 1 year to 12 months) |
| −70 | 7 | 18 | (beginning date last period of service) |
| 2 | 12 | 22 | |
| — | — | +1 | (extra day for inclusive dates) |
| 2 | 12 | 23 | (service before deducting lost time) |
| | −1 | 7 | (lost time) |
| 2 | 11 | 16 | (Total creditable service on date of reenlistment) |

Lost time computed on 30-day month basis:

| | |
|---|---|
| 10-30 February | 21 days |
| 1-16 March | 16 days |
| | 37 days total lost time |

(2) Lost Time Made Good. Time lost is made good on a day-for-day basis. When lost time is made good and the member completes the enlistment contract or period for which inducted, compute the lost time on a day-for-day basis (instead of 30-day-month basis) if this would be to the member's advantage. Under the day-for-day basis, an unauthorized absence on the 30th and 31st of March and the 1st of April, for example, is counted as 3 days' lost time. An unauthorized absence on the 28th and 29th of February and 1st of March is also counted as 3 days' lost time. Time served on the 30th and 31st of March and 1st of April to make good lost time, is counted as 3 days' service. Time served on the 28th and 29th of February and 1st of March to make good lost time, is also counted as 3 days' service. When a period of service involves lost time made good, compute that period as follows:

**First Step.** Subtract the enlistment date from the discharge date and add 1 day.

**Second Step.** Compute the total lost time both on a 30-day-month basis and a day-for-day basis. Use whichever result shows the lesser amount of days lost.

**Third Step.** Subtract the total of the second step from the total of the first step.

(If the resulting total equals or exceeds the period of the enlistment contract, use this total as the service creditable for this period of service. If the resulting total is less than the period of the enlistment contract, do not use this total. Use the full period of the contract, since the member has completed the contract. (In some cases, neither the 30-day-month nor the day-for-day basis will produce a total equal to the enlistment contract or induction period. This is because of the different dates of the year when time was lost and made good. (See example 3 below.))

**Fourth Step.** Add the total computed under the third step above to any other periods computed under subparagraph a above to obtain the member's total creditable service.

★**Example 3:** Assume the member in example 2 had not been given a hardship discharge, but completed the enlistment contract including time served to make good lost time. Member's discharge date would be 22 Aug 1974 (35 days lost time computed on day-for-day basis—14 days made good 18-31 Jul and 21 days 1-21 Aug 1974). Creditable service on reenlistment 20 Feb 1975 is computed as follows:

| Yr | Mo | Day | |
|---|---|---|---|
| 74 | 8 | 21 | (ending date last period of service) |
| 70 | 7 | 18 | (beginning date last period of service) |
| | 1 | 3 | |
| — | – | +1 | (extra day for inclusive dates) |
| 4 | 1 | 4 | (service before deducting lost time) |

As noted in example 2, the lost time computed on a 30-day-month basis is 37 days. On a day-for-day basis it is 35 days (19 days from 10-28 February and 16 days from 1-16 March). Deduct the lesser number of days (35).

| Yr | Mo | Day | |
|---|---|---|---|
| 4 | 1 | 4 | (service before deducting lost time) |
| 3 | 12 | 34 | (change of year to months and months to days) |
| | −1 | 5 | (lost time) |
| 3 | 11 | 29 | (total service) |

Since this amount of service is less than the enlistment contract, and the member completed the contract, do not use this amount. Credit the member with 4 years' prior service on reenlistment 20 Feb 1975.

**Example 4:** Member enlisted 18 Jul 1970 for 4 years; was AWOL 28 Jul 1973 through 3 Sep 1973. Member was required to make up 38 days to complete the enlistment term (28-31 July = 4 days; 1-31 August = 31 days; 1-3 September = 3 days). In making up AWOL time at the end of the enlistment, member would be credited with 14 days from 18-31 July and 24 days from 1-24 August. Discharge date was 24 Aug 1974. On reenlistment 20 Feb 1975, prior service is computed as follows:

| Yr | Mo | Day | |
|---|---|---|---|
| 74 | 8 | 24 | (ending date of last period of service) |
| −70 | 7 | 18 | (beginning date of last period of service) |
| 4 | 1 | 6 | |
| — | – | +1 | (extra day for inclusive dates) |
| 4 | 1 | 7 | (service before deducting lost time) |

Computation of lost time on 30-day-month basis:

| | |
|---|---|
| 28-30 Jul 1973 | 3 days |
| 1-30 Aug 1973 | 30 days |
| 1- 3 Sep 1973 | 3 days |
| | 36 days |

As noted above, this lost time is 38 days computed on a day-for-day basis. Under the rule in the second step above, deduct 36 days (computed on 30-day-month basis) since it is the lesser.

| Yr | Mo | Day | |
|---|---|---|---|
| 4 | 1 | 7 | (service before deducting lost time) |
| | −1 | 6 | (lost time) |
| 4 | 0 | 1 | (total creditable service) |

Although this member served the same number of days as the member in example 3, member is credited with 4 years and 1 day of service on reenlistment 20 Feb 1975.

## 10109. Computing Basic Date for Pay Purposes

After computation of creditable service, establish a basic date for use in determining the date when a member is entitled to increased basic pay. Names established for these dates are as follows:

**Army**—pay entry basic date (PEBD)

**Navy and Marine Corps**—pay entry base date (PEBD)

**Air Force**—pay date

Compute the date as follows:

**a. Continuous Military Status.** Except for medical and dental officers who receive constructive service credit, the date member enlists, is inducted, or accepts an appointment, is the basic date for pay purposes. This date stays in effect if the military status continues without any breaks.

**b. Noncontinuous Service.** When military status has not been continuous, determine the date by deducting total prior creditable service from the date the current period of service began.

**Example:** Member reenlisted 20 Feb 1975. Total prior creditable service (computed under paragraph 10108 above) was 4 years and 1 day.

| Yr | Mo | Day | |
|---|---|---|---|
| 1975 | 2 | 20 | (date of reenlistment) |
| −4 | 0 | 1 | (prior creditable service) |
| 1971 | 2 | 19 | (basic date upon reenlistment) |

## 10110. Adjusting Basic Date for Pay Purposes for Lost Time

When an enlisted member loses time in a nonduty status under table 1-1-2, advance the basic date for pay purposes by a period equal to the time lost, computed on a 30-day-month basis. (For officers, this date is not affected by nonduty status.)

**Example:** An enlisted member with no prior service enlisted on 18 Jul 1973. Member was AWOL from 10 Feb 1975 through 16 Mar 1975. On the member's return to full duty status the date changes from 18 Jul 1973 to 25 Aug 1973. The change is computed as follows:

| | |
|---|---|
| 10-30 February | 21 days |
| 1-16 March | 16 days |
| | 37 days lost time |

| Yr | Mo | Day | |
|---|---|---|---|
| 1973 | 7 | 18 | (original date) |
| | +1 | 7 | (lost time) |
| 1973 | 8 | 25 | (adjusted date) |

### 10111. Procedure When Basic Date for Pay Purposes Falls on 29 February

When the basic date for pay purposes falls on 29 February, use that date. In non-leap years, increased pay begins on 1 March. In leap years, it begins on 29 February.

TABLE 1-1-1

SERVICE AS CADET OR MIDSHIPMAN—OFFICERS

|  | A | B | C | D |
|---|---|---|---|---|
| RULE | **When a member currently serving as an officer has had service as a cadet or midshipman in** | **to which appointed** | **and member** | **the period involved is** |
| 1 | any of the military academies |  | held no concurrent enlisted and/or reserve status | not creditable |
| 2 |  | after 25 Jun 1956 | enlistment contract or period of obligated service was not terminated |  |
| 3 |  | as a permanent midshipman before 26 Jun 1956 |  |  |
| 4 |  |  | concurrently retained a commission or warrant in the Army or Air Force Reserve | creditable |
| 5 |  | on or after 1 Jan 1953 | concurrently retained a commission or warrant in the Naval Reserve |  |
| 6 |  | before 26 Jun 1956 | concurrently held an enlisted status in the Army or Air Force Reserve |  |
| 7 |  | on or after 1 Jan 1953 and before 26 Jun 1956 | concurrently held an enlisted status in the Naval Reserve |  |
| 8 |  | as a temporary midshipman, Naval Reservist, before 26 Jun 1956 |  |  |

TABLE 1-1-1—Continued

SERVICE AS CADET OR MIDSHIPMAN—OFFICERS

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **When a member currently serving as an officer has had service as a cadet or midshipman in** | **to which appointed** | **and member** | **the period involved is** |
| **9** | an aviation cadet program | in the appointive grade of aviation cadet | performed active service | creditable |
| **10** | | as an enlisted aviation cadet on or after 3 Jun 1941 | | |
| **11** | a US Merchant Marine or State Maritime Academy | under the Naval Reserve Act of 1938 | concurrently held an inactive Naval Reserve status | not creditable |
| **12** | NROTC program | as a temporary midshipman before 26 Jun 1956 | concurrently held a reserve status in a uniformed service | creditable through 12 Oct 1964 |
| **13** | | as a contract student | | |
| **14** | AROTC and AFROTC program | before 13 Oct 1964 | | |

TABLE 1-1-2

ABSENCE FROM DUTY IN ENLISTED STATUS

| R U L E | A | B | C |
|---|---|---|---|
| | When the absence is | and | the period of absence is |
| 1 | authorized leave or authorized excess leave | | creditable |
| 2 | unauthorized absence of more than 1 day (24 consecutive hours) (including detention of Army or Air Force members by or for civil authorities) | is administratively excused as unavoidable | |
| 3 | | is not administratively excused as unavoidable | not creditable (note 2) |
| 4 | civil detention of a Navy or Marine Corps member | occurred before 24 Jul 1956 and the member was not acquitted or released without trial and without making restitution | |
| 5 | | occurred on or after 24 Jul 1956 and the member was absent under sentence or awaiting (and during) trial which resulted in conviction (note 1) | |
| 6 | inability to perform duty for more than 1 day (24 consecutive hours) because of intemperate use of alcohol or drugs, or disease or injury resulting from misconduct | | |
| 7 | desertion | | |
| ★8 | because of confinement for more than 1 day (24 consecutive hours) while awaiting trial (if the trial results in conviction) or confinement as the result of a court-martial sentence (note 4) | the member was a member of the Army or Air Force | |
| ★9 | absence of a Navy or Marine Corps member because of confinement of more than 1 day (24 consecutive hours) while awaiting trial (if the trial results in conviction) or confinement as the result of a court-martial sentence | the confinement occurred on or after 24 Jul 1956 (note 4) | |
| 10 | | the confinement occurred before 24 Jul 1956 | note 3 |

NOTES:

1. If the member is released without trial or acquitted, or if conviction is set aside on legal grounds (as distinguished from clemency), the period of absence is creditable. If the member is released upon agreement to make restitution or is later convicted by court-martial on the same facts, the period of absence is not creditable.
2. Absence during which a member was serving on active duty as an enlisted man and was also a Reserve officer is creditable.
3. The period of absence is not creditable only if the confinement was under general court-martial sentence and/or while awaiting (and during) trial which resulted in sentence by a general court-martial to confinement and total loss of pay and allowances.
4. Period spent in confinement is creditable service when the member is acquitted or the sentence is set aside or disapproved.

# CHAPTER 2

# COMPUTATION OF PAY

## SECTION A—BASIC PAY ENTITLEMENTS

### 10201. When Entitled to Basic Pay

The pay of service members is prescribed by law. Members are entitled to receive pay according to their pay grades and year's service, if they are:

a. On active duty in a pay status.

b. Not prohibited by law from receiving such pay.

### 10202. Employment of Members in Another Capacity

a. **Employment Under the Government.**

(1) Unless otherwise provided by law (such as during the period a member is on terminal leave pending retirement, separation or release from active duty under honorable conditions), a member may not be employed in another capacity by the Government, and receive pay therefor, other than the pay and allowances which accrue by reason of the military status. A member may be employed, however, on a voluntary basis, during off-duty hours in connection with nonappropriated fund activities.

(2) Under agreements such as that between the Department of Defense and the Agency for International Development (AID), Department of State, military members may be detailed to agencies such as AID for certain types of service for specified periods. As provided in pertinent agreements, members so detailed are entitled to the pay and allowances of employees of the agency (AID foreign service personnel in the case of that agency) holding comparable positions. Such members are paid by the agency in question, not by the service involved.

b. **Acceptance or Holding Civil Office.**

(1) An officer of an armed force on active duty may not be employed on civil functions, if the civil duties separate the member from the parent organization or interfere with the performance of military duties. This applies to employment on civil works or internal improvements, by an incorporated company, or as acting paymaster or disbursing agent of the Bureau of Indian Affairs.

(2) Unless otherwise provided by law, an officer of a regular component of the Army, Navy, Air Force or Marine Corps may not hold a civil office by election or appointment under the US, a territory, possession or State. Acceptance of such position terminates the officer's appointment and any further entitlement to receive pay and allowances whether or not the officer continues to fulfill the duties as an officer subsequent to accepting the office.

c. **Medical Officers.** Medical officers on active duty who receive any compensation or stipend payments for services they perform as interns or resident physicians in private or public institutions (state, county, municipal, or privately owned hospitals) receive such payments for the benefit of the US. Collect these payments from the officer for deposit in the Treasury of the United States. See table 3-2-3, rule 24; table 3-2-8, rule 2; and table 3-1-1, rules 6 and 7, for BAQ and BAS payments.

### 10203. Formal Acceptance of Appointment—Officers

a. Pay and allowances generally accrue from the date of acceptance of appointment as an officer. The normal method of acceptance is taking the oath of office. Commencement of travel in compliance with an order is considered acceptance for pay purposes, but payment will not be made until formal signing of the oath of office. See table 1-2-1 for specifics and for graduates of the academies.

b. An officer need not take oath of office upon promotion if service has been continuous since last oath.

### 10204. Restriction Against Dual Payments

a. A reserve member who is called to active duty for more than 30 days in time of war or national emergency is entitled while on that active duty to the pay and allowances prescribed for active duty. Exception is authorized if the member is entitled to a pension, retired pay, or disability compensation

for earlier military service, in an amount greater than that prescribed for active duty.

b. Except as prescribed in a above, a reserve member who is entitled to payments for earlier military service, and is called to active duty and is entitled to pay, may elect to receive either:

(1) The payments for the earlier military service; or

(2) If member specifically waives those payments, the pay and allowances authorized for the active duty.

### 10205. Posthumous Promotions

Members may be promoted posthumously. The amount of bonus, gratuity, pay, or allowances is not changed by these promotions. This payment restriction does not apply to promotions of members while in a missing status where a Secretarial determination is subsequently made that the member died before the date of the promotion.

## SECTION B—COMPUTING MONTHLY PAY

### 10211. Monthly Pay

**a. Service of 30 days or More.** Compute monthly compensation as if each month had 30 days. When service begins on an intermediate day of the month, pay for the actual number of days served during that calendar month, but only through the 30th day of that month. If active military service begins on the 31st day of any month, compensation does not accrue for that day. Any person who enters active service during February and serves until the end of the month is entitled to 1 month's (30 days') pay, less the prorated amount for the number of days expired before entry on duty. If the service ends before the last day of February, pay the member only for the actual number of days served.

**b. Service of Less Than 30 Days.** Members of the uniformed services entitled to receive compensation for continuous periods of less than 1 month are entitled to pay and allowances for each day of the period at the rate of 1/30 of the monthly amount of such pay and allowances. Include the 31st day of a calendar month in the computation. Members who are obligated to serve on active duty for 30 days or more, but who were released before performing such active duty for at least 30 days, are entitled to receive pay and allowances on a day-to-day basis.

### 10212. Absence Without Pay

a. Deduct 1/30 of 1 month's pay for each day's absence in a nonpay status.

b. No pay is lost for unauthorized absence on the 31st day of a month, except when it is the first day of absence or when the member is paid for the day under paragraph 10211b.

c. Absence in a nonpay status on the 28th of February in a nonleap year results in loss of pay for 3 days. If member is absent on only the 28th day of February in a leap year, deduct 1 day's pay for the 28th. If absence occurs on the 29th of February, deduct 2 days pay. When payment is made under paragraph 10211b on the basis of each day actually served, deduct only for the actual period of unauthorized absence.

### 10213. Annual Salary

Annual salary is divided into 12 equal installments. One installment represents the pay for each calendar month. The daily rate is 1/30 of the monthly rate. The above instructions for monthly pay also apply to an annual salary.

### 10214. Basic Pay Rates

**Pay Tables.** Tables 1-2-5 through 1-2-8 contain monthly rates of basic pay.

## SECTION C—SAVED PAY

### 10221. Saved Pay and Allowances

**a. Enlisted.** An enlisted member who accepts an appointment as an officer will, following appointment, be paid the greater of:

(1) The pay and allowances to which such member would be entitled if the member had remained in the last enlisted grade held before appointment as an officer and continued to receive increases in pay and allowances authorized for that grade; or

(2) The pay and allowances to which the member thereafter becomes entitled as an officer.

**b. Warrant Officers.** A warrant officer who accepts an appointment as a commissioned officer will, following appointment, be paid the greater of:

(1) The pay and allowances to which the member thereafter becomes entitled as a commissioned officer, or

(2) The pay and allowances to which such member would be entitled if the member had remained in the last warrant officer grade held before appointment as a commissioned officer and continued to receive increases in pay and allowances authorized for that grade; or

(3) In the case of an officer who was formerly an enlisted member, the pay and allowances to which entitled, under paragraph a(1) above, before appointment as an officer.

c. **Restrictions:**

(1) A member entitled to saved pay is not authorized the pay for one grade and an allowance for another grade.

(2) The saved pay amount may be reduced when the member loses entitlement to specific items; however, these specific items shall be included in saved pay if the member again qualifies for such items (see (8) below).

(3) In the case of a temporary officer, a member is not entitled to an increase in saved pay because of a promotion to a higher grade.

★(4) BAQ may be continued as an item of saved pay, and will be paid whenever it is not forfeited because the member is assigned to Government quarters.

★(5) A member eligible for saved pay is entitled to the appropriate BAS rate (including the when-permitted-to-mess-separately-rate even when subsistence in kind would otherwise be provided or made available) under the conditions prevailing for enlisted members at their permanent station. Credit BAS at the when-permitted-to-mess-separately-rate at all times except when the member would otherwise be entitled to a different rate (see paragraphs 30102c and e).

★(6) Special duty assignment, incentive pay for hazardous duty, special pay for diving duty, and sea and foreign duty pay may be retained as an item of saved pay only for as long as the member continues to perform the duty and would be eligible to receive payment had the member remained in the former status.

★(7) The enlisted cash clothing allowances prescribed in part three, chapter 5, may not be included in the saved pay computation if the officer is entitled to the initial uniform allowance prescribed in paragraph 30602.

(8) FSA-I may be continued as an item of saved pay under the same conditions as BAQ. See (4) above. If the member was entitled to FSA-II due to enforced separation from the member's family at the time of appointment, the allowance may be included in the computation of saved pay until entitlement ends. FSA-R, FSA-S, or FSA-T may be reinstated for future periods if the member again qualifies for FSA-II due to enforced separation from the family. Similarly, other items of overseas station allowance and/or special or incentive pay may be reinstated if a member again qualifies for them.

**d. Breaks in Service.** A break in service (released from active duty, discharged) does not disqualify an officer for the saved pay and allowances entitlement of this section.

## SECTION D—INCREASED BASIC PAY DURING PERIOD OF SERVICE ESSENTIAL TO PUBLIC INTERESTS

### 10231. Entitlement to Increased Basic Pay

This section applies only to enlisted members of the Regular Navy or Marine Corps, or Naval or Marine Corps Reserve, whose enlistments expire while serving on a naval vessel in foreign waters.

a. **Retention in Service.** Such members may be retained on active duty until the naval vessel returns to the CONUS, if the period of retention is determined "service essential to the public interests." The senior officer present afloat determines this.

b. **Pay and Allowances.** During the period of retention, members are entitled to regular pay and allowances, plus a 25 percent increase in the basic pay to which they were entitled on the day before the period of retention began.

### 10232. Members Not Eligible for Increase

a. Enlisted members are not entitled to the increased basic pay if retained on active duty after expiration of enlistment:

(1) At shore stations.

(2) On ships on duty in waters in or around possessions and territories of the US.

(3) On ships on duty in ports or waters within the sovereign jurisdiction of the US.

(4) Due to lack of transportation.

(5) Merely because it is desirable to continue their services, or some benefit may be derived therefrom.

b. A member of the Naval Reserve or Marine Corps Reserve is not entitled to the 25 percent increase while retained beyond period of obligated service, as distinguished from normal date of expiration of enlistment.

### 10233. Inclusion of Increase in Death Gratuity

Include the 25 percent increase in basic pay in computing amount of death gratuity payable.

### 10234. Restrictions in Use

Do not use the 25 percent increase in computing:

a. Cash settlement for unused leave on discharge.

b. Physical disability, or temporary disability retired pay.

c. Disability severance pay.

d. Reenlistment bonus.

### 10235. Termination of Increase in Basic Pay

a. The 25 percent increase in basic pay continues through:

(1) Date of discharge, if the member is discharged within 30 days after arrival in CONUS.

(2) Date of transfer to a hospital for treatment.

b. See table 1-2-3, rule 19, for the date of termination of normal pay and allowances.

## SECTION E—ALLOWABLE TRAVEL TIME FOR RESERVE MEMBERS ON CALL TO OR RELEASE FROM ACTIVE DUTY

### 10241. Pay and Allowance Entitlement During Travel Time

a. Reserve members called to active duty are entitled to active duty pay and allowances for time allowed for necessary travel:

(1) From home to first duty station; and

(2) From last duty station to home (except when released from active duty for retirement, or dismissal, when discharged, or upon resignation).

★b. Any amounts due a member for active duty, or for return home after release from such duty, may be paid before member leaves the duty station, without regard to actual performance of the travel. If the member dies after payment, but before payment would otherwise be due, no part of the payment will be recovered by the United States.

### 10242. Allowable Travel Time

a. **Air or Land Travel.**

(1) **General.** When total travel is by land and/or air, compute allowable travel

time as shown in table 1-2-4, except as noted in (3) below.

(2) **Travel to Port of Embarkation (POE) or Port of Debarkation (POD) Within the Contiguous US.** Time allowed may not be more than time required for travel between the active duty station and the port to or from which transportation would normally be furnished from and to the member's home.

(3) **Travel Within a Foreign Country.** Member is entitled to active duty pay and allowances for time actually required for travel by the mode of Government transportation furnished. If additional travel is required within a country or locality to or from the member's home, also include the time actually required to perform such travel; however, do not include more than the time required by actual carrier schedules over the shortest usually traveled route.

b. **Transoceanic Travel.**

(1) When Government transportation (surface or air) is furnished or used, base allowable travel time on the actual schedule for the type of transportation used.

(2) When commercial transportation is authorized, base allowable travel time on the earliest schedules available for the type of transportation authorized.

(3) When a member requests and is granted permission to be released outside the US, limit constructive travel time to that necessary to travel by air.

c. **Awaiting Transportation.** Member is also entitled to active duty pay and allowances for the time spent at a POE awaiting the first available Government transportation.

d. **Proceed Time.** Proceed time is not authorized incident to travel from last duty station, or separation activity, to member's home.

e. **Excess Travel Time.** Additional pay and allowances for travel time in excess of that applicable under this section is authorized if:

(1) Supported by carrier's statement that delay was caused by mechanical failure, adverse weather conditions, or

(2) Caused by the carrier for other reasons (excess passenger load, cancelled flights, illness of other passengers, etc.). Additional payment is not authorized for any delay in travel performed by private vehicle.

## 10243. Terms Used in Computing Travel Time

a. **Home of Record:** The place recorded as the member's home when ordered to active duty. For a member discharged on expiration of term of service (ETS), immediately reenlisted, and continued on active duty, home is the place recorded at the time of last reenlistment for the current tour. If a member is ordered to active duty from a place other than home, allow travel time based on the lesser of:

(1) Travel actually performed; or

(2) Travel from home to duty station.

b. **Duty Station:** The "first duty station" and "last duty station" are the first or last station where the member was in fact on duty. They in clude a temporary duty station. They also include a hospital where a member is undergoing treatment.

c. **First and Last Days of Duty.**

(1) First Day of Duty. When the orders calling a member to active duty or active duty for training do not contain an hour for reporting, the required reporting date will be charged as a day of travel. Where an hour for reporting, in addition to the reporting date, is included in the orders, consideration will be given to the amount of travel that can be performed on the day of reporting. See tables 1-2-1 and 1-2-4 for rules to determine commencement of pay and allowances when travel to duty station is required.

(2) Last Day of Duty. On release from active duty under orders which specifically authorize travel by private conveyance, day of detachment from the duty station is a day of duty. Travel status begins on following day, unless the total distance to the member's home is 150 miles or less. In all other cases, travel status begins as of the actual hour of detachment stated in release orders, or 1630 hours if orders do not show detachment hour. However, see notes 1 and 4, table 1-2-4.

TABLE 1-2-1

WHEN ACTIVE DUTY PAY BEGINS

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | When a person is | in the | and | then active duty pay and allowances | |
| | | | | begin on: | are authorized for: |
| 1 | originally appointed as a permanent officer | Regular Army, Navy, Marine Corps or Air Force (note 1) | | date of formal acceptance of appointment (see paragraph 10203) | |
| 2 | an enlisted member temporarily appointed to a warrant or commissioned officer grade | Navy or Marine Corps | | | |
| 3 | an enlisted member or warrant officer on active duty appointed to a commissioned officer grade under 10 USC 593 | Reserve | continues on active duty in the commissioned officer grade | | |
| 4 | enlisted, reenlisted, or inducted | Regular Army, Navy, Marine Corps, or Air Force | | date of enlistment, reenlistment, or induction | |
| 5 | service academy graduate commissioned as a Second Lieutenant or Ensign | Regular Army or Air Force | | date of graduation (note 2) | |
| ★6 | | Regular Navy or Marine Corps | | date of formal acceptance of appointment | |
| 7 | reserve or retired member called or recalled to active duty | Army, Navy, Marine Corps, or Air Force | | date member necessarily complies with active duty orders (note 3) | |

TABLE 1-2-1—Continued

| | | | | | |
|---|---|---|---|---|---|
| 8 | AUS or USAF without component temporary officer called to active duty | Army or Air Force | | date member necessarily complies with active duty orders (note 3) | |
| 9 | reserve or retired member ordered to active duty to take a physical examination incident to being ordered to active duty for more than 30 days | Navy, Marine Corps, Army, or Air Force | | | period of the examination, and allowable travel time in connection therewith (notes 3, 5, 6, and 7) |
| 10 | NG or ANG member called into Federal service | Army or Air Force | the period of Federal service is 30 days or less | date of reporting at place of rendezvous | |
| 11 | | | the period of Federal service is more than 30 days or an indefinite period | date member necessarily complies with active duty orders (notes 3 and 4) | |
| 12 | separated service Academy Cadet required to serve a period of enlisted active duty | Regular Army, Navy, Marine Corps, or Air Force | | date following date separation from the Academy is approved | |

NOTES: 1. Original appointments include officers appointed from warrant officer, enlisted member, or civilian status.

2. Pay accrues from date of graduation even though appointment is issued and accepted at later date.

3. See Section E of this chapter and table 1-2-4 for allowable travel time to include in computation. Pay and allowances do not accrue if the member begins travel or reports earlier than the travel time necessary to comply with the active duty orders.

4. Pay status does not begin if the NG or ANG member is unable to respond to the call to AD because of illness or other reason.

5. If member passes the physical examination, pay and allowances accrue for traveltime to first duty station when later ordered to active duty for more than 30 days.

6. If the member fails the physical examination, pay and allowances accrue for period required for the examination and traveltime to and from the examination.

7. If the member is ordered to active duty solely to take a physical examination, not incident to being ordered to active duty, then active duty pay and allowances do not accrue.

**★TABLE 1-2-2**

**INCREASES IN PAY ON PROMOTION OR RESTORATION OF GRADE**

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **When member is a(n)** | **and action is** | **in the** | **and** | **then effective date of increase in pay and allowance is** |
| 1 | officer | designation of special assignment under 10 U.S.C. 601 (a) | Army, Air Force, or Marine Corps as General or Lt General; or Navy as Admiral or Vice Admiral | | date officer assumes the designated duty (note 1). |
| 2 | Reserve officer not on the active duty list | promotion to grade above O–2 | Navy or Marine Corps | | date officer becomes eligible for promotion to the higher grade. |
| 3 | | promotion to grade O–2 | | | date of rank. |
| 4 | officer | promotion to grade above O–1 | Uniformed Services | | effective date of the promotion. |
| 5 | Reserve officer on active duty (other than for training) (but not on the active-duty list) | permanent promotion to a higher reserve grade | Army or Air Force | officer is ordered to serve on active duty in the higher permanent reserve grade | effective date of orders to serve on active duty in the higher permanent reserve grade (note 2). |
| 6 | | temporary promotion to a higher reserve grade | | | effective date of orders announcing promotion; or date shown in special orders confirming verbal orders. |
| 7 | enlisted member | advancement in rank or rating | Navy | effective date is specified in the letter | effective date as stated, or date of the letter, which- |

| | | | | | |
|---|---|---|---|---|---|
| | | | | authorizing the advance | ever is later (note 3). |
| 8 | | | | effective date is not stated in letter | date advance was actually effected, but not before date member's commander receives the authority (note 3). |
| 9 | | | Marine Corps | effective date is specified in the directive authorizing the advance | effective date as stated in the directive or date of the directive, whichever is later (note 3). |
| 10 | | | | promotion is not effected by directive | date certificate of appointment is signed by issuing authority (note 3). |
| 11 | | appointment or promotion to a higher grade | Army or Air Force | | 1. date cited in orders, or date of orders, whichever is later; or<br>2. date of oral appointment or promotion, if later confirmed in writing. (note 3). |
| 12 | | restoration of former grade | | reason for reduction was nonjudicial punishment | may be retroactive to date of reduction. |
| 13 | | | | reason for reduction was inefficiency | date of restoration orders. |

NOTES:

1. If the officer's assignment is terminated because of:

a. Assignment to another position also designated a special assignment, the officer will continue to draw the pay rate of the terminated assignment through the day before assuming the new position.

b. Hospitalization, the officer will continue to draw the pay rate of the terminated assignment for the full period of hospitalization, but for not more than 180 days.

c. Retirement, the officer will continue to draw the pay rate of the terminated position through the day before retirement, but for not more than 90 days.

2. A retroactive amendment of active duty orders is authority to serve in the higher grade from date of the amendment only.

Increased pay and allowances are authorized from that date. Such orders do not create entitlement to increased pay and allowances for the retroactive period.

3. An appointment, promotion, or advancement to a higher grade with an effective date beyond the expiration date of the current enlistment and which is contingent upon the member's extension of enlistment or reenlistment, entitles the member to increased pay and allowances from the effective date or date of extension or reenlistment, whichever is later. Payment for the higher rank or rating is not authorized for a period prior to date of current enlistment.

TABLE 1-2-3

TERMINATION OR REDUCTION OF ACTIVE DUTY PAY AND ALLOWANCES

| R | A | B | C | D | E |
|---|---|---|---|---|---|
| RULE | If member is in the | and status is a(n) | and action is | and reason for retention is | then pay and allowances are authorized through date |
| 1 | regular Army, Navy, Marine Corps, or Air Force | officer holding permanent appointment | resignation, discharge or dismissal | | 1. shown as official date of separation in official notice; or date<br>2. officer receives official notice, if no official date of separation is shown (note 1). |
| 2 | | officer holding temporary appointment or promotion | discharge or dismissal from permanent status | | of termination of appointment. |
| 3 | | | resignation | | |
| 4 | | | transfer to Fleet Reserve, or Fleet Marine Corps Reserve (note 7) | | before date placed on the retired list. |
| 5 | | | involuntary retirement under Officer Personnel Act of 1947 | | |
| 6 | | | retirement on last day of month after month member completed 30 years of active service | | |
| 7 | | | retirement, other than as shown in rules 5 and 6 (includes physical disability retirement) | | |
| 8 | | | permanent appointment as an officer | | before date of acceptance of permanent appointment. |
| 9 | | | termination of appointment for any other reason | | of termination of appointment |
| 10 | Army, Navy, Marine Corps, or Air Force Reserve | officer or enlisted member | release from active duty | | of allowable travel time after release (see table 1-2-4). |

TABLE 1-2-3—Continued

| | | | | | |
|---|---|---|---|---|---|
| 11 | | | release from active duty for retirement | | before date placed on retired list. |
| 12 | | | discharge, dismissal, or a resignation | | shown in official separation notice, or date member receives official notice of separation. |
| 13 | Army, Navy, Marine Corps, or Air Force | enlisted member | retirement (including physical disability retirement) | | before date placed on retired list. |
| 14 | | | transfer to Fleet Reserve or Fleet Marine Corps Reserve | | of transfer. |
| 15 | | | discharge | | of discharge (note 2) |
| 16 | | | retention in service after expiration of term of service (note 3) | convenience of the Government | of the period of retention. |
| 17 | | | | to make good lost time | of the period of retention, if retained in full duty status or if authorized to perform duty. |
| 18 | | | | probation after confinement | of the probational period, if duty is performed during such period. |
| 19 | | | | medical care or hospitalization (with members consent) | of release from medical care or hospitalization (note 4). |
| 20 | | | | service is essential to public interest (section D, this chapter) | of discharge (note 5). |

TABLE 1-2-3—Continued

| | | | | | |
|---|---|---|---|---|---|
| ★21 | | officer or enlisted member | | court martial action | see paragraph 10317. |
| 22 | | | demotion (administrative) | | before date of demotion orders at the higher rate; and at the reduced rate on and after date of demotion orders. |
| 23 | | | death | | of death. |
| ★24 | | | revoking a promotion (erroneous promotion through administrative error) | | before date of discovery at the higher rate; at the reduced rate on and after date of discovery (note 6). |
| ★25 | | | retirement | late delivery of retirement orders | retirement orders are delivered or member is notified that retirement orders were issued. |

NOTES:

1. Discharge orders do not of themselves relieve the Government of its obligation to an officer. The officer must have received actual or constructive notice by the effective date, unless the officer willfully avoids notice of separation. If kept in service without fault, in ignorance of an order of dismissal, the officer is entitled to all salaries and benefits of the office. If held in service under orders after the date shown in separation orders, the officer is entitled to pay if there is nothing in the records showing nonentitlement.

2. Includes discharge for underage enlistment. Does not include discharge for fraudulent contract of enlistment (see chapter 4, this part).

3. A member whose enlistment is extended involuntarily by law comes under rule 15, not rules 16-21.

4. If medical care or hospitalization was due to member's misconduct, pay and allowances terminate on date of expiration of term of service.

5. See paragraph 10235 for date of termination of the 25% increase in basic pay.

★6. An erroneous promotion is later voided by revoking promotion orders (certificates of appointment or other documents used by the service concerned to administratively effect promotions) from the original effective date. Payment of the pay and allowances of the higher grade through the date prior to the date of discovery is contingent, in each case, upon an administrative determination of the commander that service performed while serving in the higher grade may be regarded as service performed in a "de facto" status, that is, the member was promoted by competent authority and performed duties of the higher grade. See procedural regulations of the service concerned.

7. A member who reverts from a temporary officer appointment to a permanent enlisted or warrant officer grade is entitled, if otherwise proper, to the active duty pay and allowances of the temporary officer grade through and including the date of reversion.

TABLE 1-2-4

## ALLOWABLE TRAVEL TIME—TRAVEL BETWEEN PLACES WITHIN THE UNITED STATES

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | If ordered active duty is for | and travel by | and total distance is | then, travel time allowed is | using |
| 1 | 90 days or more | public transportation is authorized from home to first duty station | | based on mode of public transportation actually used (surface or air) | latest schedules which would permit arrival at the duty station on reporting date stated in orders (note 1). |
| 2 | | public transportation is authorized from last duty station to home | | based on public surface transportation | earliest schedule to home after release from duty at last duty station (note 1). |
| ★3 | | private conveyance is authorized (notes 1, 2, and 3) | over 150 miles | total of:<br>1 day for each 300 miles, plus<br>1 day for any excess of more than 150 miles, but<br>0 days for any excess of 150 miles or less (note 8) | official mileage tables to compute distance traveled. |
| 4 | | | 150 miles or less, but greater than commuting distance | computed as if actually performed by public surface transportation | actual schedules of fastest available mode (notes 1 and 4). |

Table 1-2-4—Continued

ALLOWABLE TRAVEL TIME—TRAVEL BETWEEN PLACES WITHIN THE UNITED STATES

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | If ordered active duty is for | and travel by | and total distance is | then, travel time allowed is | using |
| 5 | | private conveyance is not specifically authorized | | | |
| 6 | any period | | commuting distance (note 5) | none | |
| 7 | | Government transportation is directed or utilized | | entire period of travel | |
| 8 | more than 30 but less than 90 days | public transportation is actually used to first duty station | | based on mode of public transportation actually used (surface or air) | latest schedule which would permit arrival at the duty station on reporting date stated in orders (note 1). |
| 9 | | private conveyance is actually used to first duty station | | computed as if actually performed by public surface transportation | |
| 10 | | either public transportation or private conveyance is used on release from ac- | | | earliest schedule to home after release from duty at last duty station (note 1). |

Table 1-2-4—Continued

ALLOWABLE TRAVEL TIME—TRAVEL BETWEEN PLACES WITHIN THE UNITED STATES

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | If ordered active duty is for | and travel by | and total distance is | then, travel time allowed is | using |
| | | tive duty, or, without regard to actual performance of travel | | | |
| ★11 | 30 days or less | air transportation is reasonably available (note 6) | | computed on the basis of air transportation (not more than 1 day for travel between places within the Continental US) (note 7) | actual commercial air schedules, and including the actual or estimated time to travel to and from air terminal(s) (but not more than two hours for each trip) (notes 1 and 4). |
| 12 | | air transportation is not reasonably available for entire travel (note 6) | | computed as if actually performed by public surface transportation | actual schedules of fastest available mode (notes 1 and 4). |

NOTES:

1. Travel is not expected to start or end between midnight and 0600.

2. Use of privately-owned conveyance (POC) may be authorized if member is ordered to active duty for at least 90 days. Travel by private conveyance may not be authorized for any lesser period; but this does not prohibit travel by such means, provided: a. No delay in reporting to a duty station is encountered; and b. No specific mode of travel is directed in orders.

3. If travel by POC is authorized from home to first duty station, but not used, compute travel time under rule 1. This does not apply to travel from last duty station to home.

4. Travel days will not exceed the computed travel time. In the computation of travel time, use existing commercial schedules to determine the latest departure time that would permit arrival at the duty station on the reporting date and hour. On release from active duty, use earliest schedule after release which would permit arrival home by fastest available means, without regard to actual performance of travel. A member of a Reserve component who (1) is ordered to perform active duty training (ADT), (2) performs authorized inactive duty training (IDT) immediately prior to or after ADT at or near the same site, and (3) receives orders which direct performance of necessary travel to and from the ADT site immediately prior to and after the period of combined ADT/IDT is entitled to active duty pay and allowances for allowable travel time IAW DODPM para 10242. The travel date will be specified in the active duty orders. Full retirement point credit is earned for the period of IDT performed.

5. Commuting distance is the greatest reasonable distance a member could be expected to travel daily between his home and duty station. The installation commander determines distance on the basis of local practice, travel time, and available modes of transportation.

6. When the air terminal is within 50 miles of the active duty station and direct or connecting flights are obtainable within 50 miles of the place from which ordered to active duty.

7. Additional time may be allowed when there is an actual delay in air travel. The delay must have been due to reasons beyond the control of the member, such as mechanical failure, adverse weather conditions, excess passenger load, cancelled flights, illness of other passengers, etc.

★8. In all cases, when the elapsed travel time is less than the authorized travel time, the elapsed travel time used will be the allowable travel time.

★TABLE 1-2-5

MONTHLY RATES OF BASIC PAY AND FICA DEDUCTIONS—COMMISSIONED OFFICERS, AVIATION CADETS, ACADEMY CADETS, MIDSHIPMEN AND ROTC MEMBERS—EFFECTIVE 1 OCTOBER 1985

| Rank | Pay Grade | | Cumulative Years of Service | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
| Gen—ADM | 0-10 (note 1) | BP | $5221.50 | $5405.40 | $5405.40 | $5405.40 | $5405.40 | $5612.70 | $5612.70 |
| | | FICA | 368.12 | 381.08 | 381.08 | 381.08 | 381.08 | 395.70 | 395.70 |
| Lt Gen—VADM | 0-9 | BP | 4627.80 | 4749.00 | 4850.10 | 4850.10 | 4850.10 | 4973.40 | 4973.40 |
| | | FICA | 326.26 | 334.80 | 341.93 | 341.93 | 341.93 | 350.62 | 350.62 |
| Maj Gen—RADM (UH) | 0-8 | BP | 4191.60 | 4317.00 | 4419.60 | 4419.60 | 4419.60 | 4749.00 | 4749.00 |
| | | FICA | 295.51 | 304.35 | 311.58 | 311.58 | 311.58 | 334.80 | 334.80 |
| Brig Gen—RADM (LH) | 0-7 | BP | 3483.00 | 3719.70 | 3719.70 | 3719.70 | 3886.20 | 3886.20 | 4111.80 |
| | | FICA | 245.55 | 262.24 | 262.24 | 262.24 | 273.98 | 273.98 | 289.88 |
| Col—CAPT | 0-6 | BP | 2581.50 | 2836.20 | 3021.90 | 3021.90 | 3021.90 | 3021.90 | 3021.90 |
| | | FICA | 182.00 | 199.95 | 213.04 | 213.04 | 213.04 | 213.04 | 213.04 |
| Lt Col—CDR | 0-5 | BP | 2064.60 | 2424.60 | 2592.00 | 2592.00 | 2592.00 | 2592.00 | 2670.60 |
| | | FICA | 145.55 | 170.93 | 182.74 | 182.74 | 182.74 | 182.74 | 188.28 |
| Maj—LCDR | 0-4 | BP | 1740.30 | 2119.20 | 2260.50 | 2260.50 | 2302.50 | 2404.20 | 2568.00 |
| | | FICA | 122.69 | 149.40 | 159.37 | 159.37 | 162.33 | 169.50 | 181.04 |
| Capt—LT | 0-3 (note 2) | BP | 1617.30 | 1808.10 | 1932.90 | 2138.70 | 2241.00 | 2321.70 | 2447.10 |
| | | FICA | 114.02 | 127.47 | 136.27 | 150.78 | 157.99 | 163.68 | 172.52 |
| 1st Lt—LT(JG) | 0-2 (note 2) | BP | 1410.30 | 1540.20 | 1850.10 | 1912.50 | 1952.70 (MAXIMUM) | | |
| | | FICA | 99.43 | 108.58 | 130.43 | 134.83 | 137.67 | | |
| 2nd Lt—ENS | 0-1 (notes 2 and 3) | BP | 1224.30 | 1274.70 | 1540.20 (MAXIMUM) | | | | |
| | | FICA | 86.31 | 89.87 | 108.58 | | | | |
| Aviation Cadets | | BP | 612.15 | | | | | | |
| | | FICA | 43.16 | | | | | | |
| Academy Cadets/Midshipmen | | BP | 480.00 | | | | | | |
| | | FICA | 33.84 | | | | | | |
| ROTC Members/ROTC Applicants (see paragraph 80408a) | | BP | 480.00 | | | | | | |
| | | FICA | 33.84 | | | | | | |

TABLE 1-2-5—Continued

MONTHLY RATES OF BASIC PAY—COMMISSIONED OFFICERS, AVIATION CADETS, ACADEMY CADETS, MIDSHIPMEN AND ROTC MEMBERS—EFFECTIVE 1 JAN 1985, AND FICA DEDUCTIONS

| Rank | Pay Grade | | Cumulative Years of Service | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
| Aviation Cadets | | BP | 594.30<br>(MAXIMUM) | | | | | | |
| | | FICA | 41.90 | | | | | | |
| Academy Cadets/ Midshipmen | | BP | 480.00<br>(MAXIMUM) | | | | | | |
| | | FICA | 33.84 | | | | | | |
| ROTC Members/ ROTC Applicants (see paragraph 80408a) | | BP | 480.00<br>(MAXIMUM) | | | | | | |
| | | FICA | 33.84 | | | | | | |

**TABLE 1-2-5—Continued**

| Rank | Pay Grade | | Cumulative Years of Service | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| Gen—ADM | 0-10 | BP | $5724.90<br>(MAXIMUM) | | | | | | |
| | (note 1) | FICA | 403.61 | | | | | | |
| Lt Gen—VADM | 0-9 | BP | 5180.40 | 5180.40 | 5612.70 | 5612.70 | $5724.90<br>(MAXIMUM) | | |
| | | FICA | 365.22 | 365.22 | 395.70 | 395.70 | 403.61 | | |
| Maj Gen—RADM (UH) | 0-8 | BP | 4973.40 | 4973.40 | 5180.40 | 5405.40 | 5612.70 | $5724.90<br>(MAXIMUM) | |
| | | FICA | 350.62 | 350.62 | 365.22 | 381.08 | 395.70 | 403.61 | |
| Brig Gen—RADM (LH) | 0-7 | BP | 4111.80 | 4317.00 | 4749.00 | 5075.40<br>(MAXIMUM) | | | |
| | | FICA | 289.88 | 304.35 | 334.80 | 357.82 | | | |
| Col—CAPT | 0-6 | BP | 3021.90 | 3124.50 | 3618.60 | 3803.70 | 3886.20 | 4111.80 | $4459.50<br>(MAXIMUM) |
| | | FICA | 213.04 | 220.28 | 255.11 | 268.16 | 273.98 | 289.88 | 341.39 |
| Lt Col—CDR | 0-5 | BP | 2814.00 | 3002.70 | 3227.10 | 3412.50 | 3515.70 | 3638.40<br>(MAXIMUM) | |
| | | FICA | 198.39 | 211.69 | 227.51 | 240.58 | 247.86 | 256.51 | |
| Maj—LCDR | 0-4 | BP | 2712.60 | 2836.20 | 2960.70 | 3042.60<br>(MAXIMUM) | | | |
| | | FICA | 191.24 | 199.95 | 208.73 | 214.50 | | | |
| Capt—LT | 0-3 | BP | 2568.00 | 2631.30<br>(MAXIMUM) | | | | | |
| | (note 2) | FICA | 181.04 | 185.51 | | | | | |

NOTES:

1. Basic pay for pay grade 0-10 is $5,724.90 regardless of years of service when they are serving as:
   - a. Chairman of the Joint Chiefs of Staff
   - b. Chief of Staff of the Army
   - c. Chief of Naval Operations
   - d. Commandant of the Marine Corps
   - e. Chief of Staff of the Air Force
2. These rates do not apply to officers credited with over 4 years of active enlisted or warrant officer service. See table 1-2-6 for applicable rates.
3. These rates apply while a student of the Uniformed Services University of Health Sciences.

★TABLE 1-2-6

## MONTHLY RATES OF BASIC PAY AND FICA DEDUCTIONS—COMMISSIONED OFFICERS CREDITED WITH OVER 4 YEARS' ACTIVE ENLISTED AND/OR WARRANT OFFICER SERVICE—EFFECTIVE 1 OCTOBER 1985*

| Rank | Pay Grade | | Cumulative Years of Service | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 |
| Capt—LT | 0-3E | BP | $2138.70 | $2241.00 | $2321.70 | $2447.10 | $2568.00 | $2670.60 (MAXIMUM) |
| | | FICA | 150.78 | 157.99 | 163.68 | 172.52 | 181.04 | 188.28 |
| 1st Lt—LT(JG) | 0-2E | BP | 1912.50 | 1952.70 | 2014.50 | 2119.20 | 2200.20 | 2260.50 (MAXIMUM) |
| | | FICA | 134.83 | 137.67 | 142.02 | 149.40 | 155.11 | 159.37 |
| 2nd Lt—ENS | 0-1E (note) | BP | 1540.20 | 1645.20 | 1705.80 | 1767.60 | 1829.10 | 1912.50 |
| | | FICA | 108.58 | 115.99 | 120.26 | 124.62 | 128.95 | 134.83 |

NOTE: These rates apply while a student of the Uniformed Services University of Health Sciences.

**★TABLE 1-2-7**

**MONTHLY RATES OF BASIC PAY AND FICA DEDUCTIONS—WARRANT OFFICERS—EFFECTIVE 1 OCTOBER 1985**

| Rank | Pay Grade | | Cumulative Years of Service | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | 2 or less | Over 2 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 |
| Chief Warrant Officer | W-4 | BP | $1647.60 | $1767.60 | $1808.10 | $1890.30 | $1937.70 | $2056.50 | $2200.20 |
| | | FICA | 116.16 | 124.62 | 127.47 | 133.27 | 139.15 | 144.98 | 155.11 |
| Chief Warrant Officer | W-3 | BP | 1497.30 | 1624.50 | 1645.20 | 1664.70 | 1786.20 | 1890.30 | 1952.70 |
| | | FICA | 105.56 | 114.53 | 115.99 | 117.36 | 125.93 | 133.27 | 137.67 |
| Chief Warrant Officer | W-2 | BP | 1311.60 | 1419.00 | 1460.40 | 1540.20 | 1624.50 | 1686.00 | 1747.80 |
| | | FICA | 92.47 | 100.04 | 102.96 | 108.58 | 114.53 | 118.86 | 123.22 |
| Warrant Officer | W-1 | BP | 1092.60 | 1253.10 | 1357.50 | 1419.00 | 1479.90 | 1540.20 | 1604.10 |
| | | FICA | 77.05 | 88.34 | 95.70 | 100.04 | 104.33 | 108.58 | 113.09 |
| | | | Cumulative Years of Service | | | | | | |
| Rank | Pay Grade | | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 | |
| Chief Warrant Officer | W-4 | BP | $2302.50 | $2383.20 | $2447.10 | $2526.00 | $2610.60 | $2814.00 | |
| | | FICA | 162.33 | 168.02 | 172.52 | 178.08 | 184.05 | 198.39 | |
| Chief Warrant Officer | W-3 | BP | 2014.50 | 2074.50 | 2138.70 | 2221.80 | 2302.50 | 2383.20 | |
| | | FICA | 142.02 | 146.25 | 150.78 | 156.64 | 162.33 | 168.02 | |
| Chief Warrant Officer | W-2 | BP | 1808.10 | 1871.40 | 1932.90 | 1994.10 | 2074.50 (MAXIMUM) | | |
| | | FICA | 127.47 | 131.93 | 136.27 | 140.58 | 146.25 | | |
| Warrant Officer | W-1 | BP | 1664.70 | 1726.20 | 1786.20 | 1850.10 (MAXIMUM) | | | |
| | | FICA | 117.36 | 121.70 | 125.93 | 130.43 | | | |

★TABLE 1-2-8

MONTHLY RATES OF BASIC PAY AND FICA DEDUCTIONS—ENLISTED MEMBERS—EFFECTIVE 1 OCTOBER 1985

| Pay Grade (note 1) | | Cumulative Years of Service | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
| E-9 (note 2) | BP | | | | | | | $1916.40 |
| | FICA | | | | | | | 135.11 |
| E-8 | BP | | | | | | $1607.40 | 1653.30 |
| | FICA | | | | | | 113.32 | 116.56 |
| E-7 | BP | $1122.30 | $1211.40 | $1256.40 | $1300.20 | $1344.90 | 1387.50 | 1431.90 |
| | FICA | 79.12 | 85.40 | 88.58 | 91.66 | 94.82 | 97.82 | 100.95 |
| E-6 | BP | 965.40 | 1052.40 | 1096.20 | 1143.00 | 1185.30 | 1228.50 | 1273.80 |
| | FICA | 68.06 | 74.19 | 77.28 | 80.58 | 83.56 | 86.61 | 89.80 |
| E-5 | BP | 847.20 | 922.50 | 966.90 | 1009.20 | 1075.20 | 1119.00 | 1163.70 |
| | FICA | 59.73 | 65.04 | 68.17 | 71.15 | 75.80 | 78.89 | 82.04 |
| E-4 | BP | 790.50 | 834.60 | 883.50 | 952.20 | 989.70<br>(MAXIMUM) | | |
| | FICA | 55.73 | 58.84 | 62.29 | 67.13 | 69.77 | | |
| E-3 | BP | 744.60 | 785.10 | 816.90 | 849.30<br>(MAXIMUM) | | | |
| | FICA | 52.49 | 55.35 | 57.59 | 59.88 | | | |
| E-2 | BP | 716.40<br>(MAXIMUM) | | | | | | |
| | FICA | 50.51 | | | | | | |
| E-1 (4 months or more of active duty) | BP | 639.40<br>(MAXIMUM) | | | | | | |
| | FICA | 45.05 | | | | | | |
| E-1 (Less than 4 months active duty) | BP | 590.70<br>(MAXIMUM) | | | | | | |
| | FICA | 41.64 | | | | | | |

TABLE 1-2-8—Continued

| Pay Grade (note 1) | | Cumulative Years of Service | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| E-9 (note 2) | BP | 1959.90 | 2004.30 | 2050.20 | 2095.80 | 2136.60 | 2249.10 | 2467.80<br>(MAXIMUM) |
| | FICA | 138.17 | 141.30 | 144.54 | 147.75 | 150.63 | 158.56 | 173.98 |
| E-8 | BP | 1696.50 | 1740.90 | 1786.50 | 1827.90 | 1872.90 | 1983.00 | 2204.10<br>(MAXIMUM) |
| | FICA | 119.60 | 122.73 | 125.95 | 128.87 | 132.04 | 139.80 | 155.39 |
| E-7 | BP | 1476.30 | 1543.20 | 1587.00 | 1631.40 | 1652.70 | 1763.70 | 1983.00<br>(MAXIMUM) |
| | FICA | 104.08 | 108.80 | 111.88 | 115.01 | 116.52 | 124.34 | 139.80 |
| E-6 | BP | 1339.20 | 1381.20 | 1425.60 | 1447.50<br>(MAXIMUM) | | | |
| | FICA | 94.41 | 97.37 | 100.50 | 102.05 | | | |
| E-5 | BP | 1206.30 | 1228.50<br>(MAXIMUM) | | | | | |
| | FICA | 85.04 | 86.61 | | | | | |

NOTES:

1. For rank titles, see attachment 2, Comparable Terms.

2. Basic pay for grade E-9 is $2999.40 (FICA $211.46) regardless of years of service while serving as:
   a. Sergeant Major of the Army
   b. Master Chief Petty Officer of the Navy
   c. Chief Master Sergeant of the Air Force
   d. Sergeant Major of the Marine Corps

# CHAPTER 3

# ABSENCE FROM DUTY—EFFECT ON PAY AND ALLOWANCES

## SECTION A—AUTHORIZED LEAVE

### 10301. Authority

All service members on active duty for 30 consecutive days or more are entitled to accrue leave under applicable service leave regulations. While on authorized leave they are entitled to full pay and allowances except as otherwise provided in table 1-3-1.

### 10302. Applicable Service Leave Regulations

Applicable service leave regulations are:

**a. Army.** AR 630-5.

**b. Navy.** MILPERSMAN.

**c. Marine Corps.** MCO P1050.3.

**d. Air Force.** AFR 35-9.

### 10303. Reserved.

### 10304. Pay and Allowances During Leave

**a. Entitlement.** See table 1-3-1.

**b. Full Pay and Allowances Defined.** This term means:

(1) Basic pay.

(2) Special pays.

(3) Incentive pay for hazardous duty.

(4) Basic allowances for subsistence (enlisted leave rations) and quarters.

(5) Personal money allowances.

(6) Clothing maintenance allowances.

(7) Family separation allowances.

(8) Station allowances (see chapter 4, part G, JTR, volume I).

### 10305. Advance Leave Changed to Excess Leave

**a. When Collection Required.** Collect pay and allowances from a member when advance leave becomes excess leave on date of:

(1) Discharge, including members who reenlist within 24 hours after being discharged within 3 months before the expiration of their enlistment, since they are not considered as having reenlisted before normal expiration of enlistment. (When member is discharged more than 3 months prior to normal expiration of enlistment for the purpose of reenlistment within 24 hours, collection is not required except for leave taken which was in excess of the number of days member would accrue through the normal expiration of enlistment).

(2) Relief from active duty.

(3) Appointment as a cadet or midshipman at a service academy.

(4) Death.

(5) First extension of enlistment, regardless of duration, but not for second and subsequent extensions of the same enlistment. Collection required on the day before the date of such extension.

(6) Return from a period of leave which was in excess of the number of days leave member will accrue prior to the normal expiration of current enlistment or term of active service. (See paragraph 10306 when it is known at the time leave is granted that member will be in an excess leave status.)

**b. Amounts To Be Collected.** Compute collection under a above on the basis of pay and allowances actually received by the member during the period of leave involved.

### 10306. Pay and Allowances During Excess Leave

Members on excess leave are not entitled to pay and allowances, except as provided by part 3, chapter 2, section E, paragraph 30251c. Apply the above as follows:

a. When the complete period of leave is granted as excess leave, pay and allowance accrual will be stopped beginning with the first day of leave.

b. When a portion of the leave is granted as advance leave and a portion granted as excess leave, pay and allowance accrual will be stopped beginning with the first day of excess leave. Members in an excess leave status are considered to have a rate of pay.

## 10307. Leave Pending Review of Certain Court Martial Convictions

Under regulations prescribed by the Secretary concerned, members sentenced to unsuspended dismissal or unsuspended dishonorable or bad conduct discharge by court-martial may be required to take leave pending review of their conviction as provided by Article 76a, Uniform Code of Military Justice (UCMJ).

a. Such leave shall be charged against any accrued leave to the member's credit on the day before the day such leave begins unless the member elects to be paid for accrued leave under paragraph 40401b.

(1) If the member does not elect to be paid for accrued leave or does not have sufficient accrued leave to cover the total period of leave required to be taken, the leave not covered by accrued leave shall be charged as excess leave.

(2) If the member elects to be paid for accrued leave, the entire period of leave shall be charged as excess leave and pay and allowances will not accrue for such period except under the provisions of b below.

b. A member required to take leave under Article 76a, UCMJ, whose sentence by court-martial to dismissal or dishonorable or bad-conduct discharge is set aside or disapproved on appellate review, shall accrue pay and allowances for the period of leave charged as excess leave (except for any day of accrued leave for which the member has been paid under a(2) above) unless a rehearing or new trial is ordered and dismissal or dishonorable or bad-conduct discharge results from the rehearing or new trial and such dismissal or discharge is later executed.

★(1) Computation of Payment. The amount of net pay and allowances accrued under this subparagraph shall be reduced by the total net income from wages, salaries, tips, other personal service income, unemployment compensation, and public assistance benefits from any Government agency during the period the member is deemed to have accrued net pay and allowances. However, the total net income described above cannot reduce the amount of net pay and allowances to the extent that the member becomes indebted to the Government.

(a) Approved Sentence Does Not Include Reduction. Pay and allowances under this section will be paid in the pay grade held by the member on the day before the day on which the court-martial sentence was approved by the convening authority.

(b) Approved Sentence Includes Reductions. If the pay grade of the member was reduced to a lower grade as a result of the court-martial sentence and the reduction has not been set aside, disapproved, or otherwise vacated, pay and allowances accrued under this paragraph will be paid at the lower pay grade.

(2) Time of Payment:

(a) Payment shall be made within 60 days from the date of the order setting aside or disapproving the sentence by court-martial to a dismissal or a dishonorable or bad-conduct discharge if no rehearing or new trial has been ordered.

(b) Payment shall be made within 180 days from the date of the order setting aside or disapproving the sentence by court-martial to a dismissal or a dishonorable or bad-conduct discharge if a rehearing or new trial has been ordered but charges have not been referred to a rehearing or new trial within 120 days from the date of that order.

(c) If a rehearing or new trial has been ordered and a dismissal or a dishonorable or bad-conduct discharge is not included in the result of the rehearing or new trial, payment shall be made within 60 days of the date of the announcement of the result of such rehearing or new trial.

(d) If a rehearing or new trial has been ordered and a dismissal for a dishonorable or bad-conduct discharge is included as the result of such rehearing or new trial, but such dismissal or discharge is not later executed, payment shall be made within 60 days of the date of the order which set aside, disapproved, or otherwise vacated such dismissal or discharge.

## SECTION B—UNAUTHORIZED ABSENCE AND OTHER LOST TIME

## 10311. Effect on Pay and Allowances

The types of unauthorized absence and other lost time and their effect on pay and allowances are shown in table 1-3-2. (Compute for forfeitures of pay and allowances as instructed in paragraph 10212, chapter 2, this part.)

## 10312. Unauthorized Absence and Desertion

**a. Determination by Court-Martial.** A member found guilty of unauthorized absence by a court-martial forfeits pay and allowances for the period of absence. An acquittal (or disapproval by the reviewing authority, in case of conviction) affects only the disciplinary aspects of the absence. It does not prevent an administrative determination that the member was absent without leave.

**b. Administrative Determination of Unauthorized Absence.** When a member is in an unauthorized absence status, an administrative determination must be made as to whether the absence was unavoidable. Table 1-3-3 contains rules for determining whether the absence was unavoidable. If it is not excused as unavoidable, the member (including one mentally incompetent) forfeits pay and allowances for the period of absence. This applies even though a court-martial finds the member not guilty of a charge of unauthorized absence, or when a finding of guilty has been disapproved by the reviewing authority.

**c. Discharge for Desertion.** A discharge for desertion is conclusive evidence of desertion for purpose of forfeiture of pay, even in the absence of trial by courtmartial.

**d. Dropped From Rolls.** A commissioned officer of the Army or Air Force who is dropped from the rolls by the President for absence without authority for 3 months forfeits all pay due or to become due. However, pay and allowances due at the time the officer is dropped from the rolls will be used to satisfy debts due the US and its instrumentalities.

## 10313. Computing Periods of Unauthorized Absence

Unauthorized absence of 24 consecutive hours or less does not affect pay or allowances. This applies even though the absence involves parts of 2 days. When the period of unauthorized absence exceeds 24 consecutive hours, use table 1-3-4 to determine the first and last day of the period of absence.

## 10314. Absence in the Hands of Civil Authorities

**a. General.** Pay member all pay and allowances earned through the day before the first day of unauthorized absence. If the member is delivered to civil authorities by military authorities, member is entitled to all pay and allowances earned through the day prior to the date of such delivery. For entitlement to pay and allowances during confinement,**(see rules 4, 5, and 6, table 1-3-2).**

**b. Finding of Insanity.** An administrative determination, under the rules contained in table 1-3-3, must be made as to whether the absence was unavoidable when a member is found not guilty by reason of insanity, by a civil court, and transferred to a mental institution for an indefinite period of time. Table 1-3-2 contains rules for determining the effect of the absence on pay and allowances.

**c. Work Release Program.** In some states and local jurisdictions a person convicted and sentenced to a term of civil confinement may be released from the confinement facility to the cognizance of an employer during the normal workday. Work release, job rehabilitation, or employment retention programs of this type are generally conducted for the purpose of providing prisoners a means to continue support of their dependents and to demonstrate that they are capable of self-rehabilitation. When members are paroled to military authorities under a "work release" or similar program, they are entitled to pay and allowances for each day of full duty performed commensurate with their grade and military specialty.

## 10315. Absence Due to Disease

**a. When Pay Is Forfeited.** See rule 3, table 1-3-2.

**b. When Pay Is Not Forfeited.** Pay is not forfeited for absence from duty caused by:

(1) An injury.

(2) A disease, except under rule 3, table 1-3-2.

(3) Simple drunkenness, if not coupled with chronic alcoholism or intemperate use of habit-forming drugs.

(4) Venereal disease, whether or not due to misconduct.

c. **Personal Expense Money**. A member whose pay is forfeited under rule 3, table 1-3-2, for more than 1 month is entitled to $5 for personal expenses for each full month that member forfeits pay. This payment will be made even though the member is indebted to the US. The term "full month" is the period from a date in 1 month through the preceding date in the following month. For example, 3 July through 2 August is 1 month.

## 10316. Military Confinement

a. **General**. Pay and allowances accrue to a member in military confinement except:

(1) **When Confined by Military Authorities, for Civil Authorities**. See rules 6 and 8, table 1-3-2.

(2) **When Pay and Allowances Are Forfeited by Court-Martial Sentence**. See chapter 5, part seven, and rule 10, table 1-3-2.

(3) **When the Term of Enlistment Expires**. See paragraph 10317 below.

## 10317. Term of Enlistment Expires

a. **General**. Pay and allowances accrue to a member upon return to a full duty status. Full duty is attained when a member, not in confinement, is assigned useful and productive duties (as opposed to duties prescribed by regulations for confinement facilities) on a full time basis which are not inconsistent with the grade, length of service and Military Occupational Speciality (MOS). While placement in the same MOS is not essential, the decision to place a member in that MOS or to assign the member available duties consistent with the grade and service rests with the appropriate military commander.

b. **Absentee Returned to Military Control**. An absentee who surrenders or is apprehended after a term of enlistment has expired is not entitled to pay and allowances until restored to a full duty status for the purpose of making good lost time. While held in retention, a member may be assigned duties as prescribed by regulations governing detained prisoners without being returned to full duty status.

c. **Enlistment Expires Before Trial**. An enlisted member retained in the service for the purpose of trial by court-martial is not entitled to pay for any period after expiration of the enlistment unless acquitted or the charges are dismissed, or the member is retained in or restored to a full duty status.

d. **Confined Awaiting Trial by Court-Martial**. If a member is confined awaiting court-martial trial when the enlistment expires, pay and allowances end on the date the enlistment expires. If the member is acquitted when tried, pay and allowances accrue until discharge.

e. **Confined Serving Court-Martial Sentence**. If a member is confined serving court-martial sentence when the enlistment expires, pay and allowances end on the date the enlistment expires unless the sentence is completely overturned or set aside as specified in paragraph 70509. They will not accrue again until the date the member is restored to a full duty status.

f. **Confined While in a Status of Being Held in the Service To Make Up Lost Time**. If confined while in a status of being held in the service to make up lost time, an enlisted member continues in a pay status, except to the extent that pay may be forfeited by court-martial, the same as during the regular enlistment period. This pay status terminates if the member is in confinement on the date the normal term of service, as extended to make up lost time, would have expired, even if restored to duty at a later date.

g. **Confinement Deferred or Prisoner Restored to Duty**. A prisoner in a nonpay status is entitled to pay and allowances when service of sentence to confinement is deferred or the member is restored to a full duty status. The date restored to duty is the date the member reported present for duty.

h. **Absentee Confined Upon Return to Military Control**. An enlisted member, whose term of enlistment has expired while in a status of absence without leave or desertion, is not entitled to pay and allowances upon return to military control while confined awaiting trial and disposition of the case, if the conviction becomes final and the member has not been returned to a full duty status. However, a member returned to military control and restored to full duty for the purpose of making good lost time before being confined to await trial continues in a pay status—except to the extent that pay may be forfeited by court-martial, the same as during the regular enlistment period. This pay status terminates if the member is in confinement on the date the normal term of service as extended to make up lost time would have expired—even if restored to duty at a later date.

i. **Confined Under Sentence of Death**. The pay and allowances of a member serving in confinement under sentence of death and pending completion of the appellate review of the record of trial, do not accrue after the expiration of the enlistment.

j. **Confined or Released on Parole Pending Appellate Review of Court-Martial Sentence.** A member confined pending appellate review or released on parole from confinement pending appellate review is not entitled to pay and allowances for such period unless the conviction is completely overturned or set aside.

## 10318. Reserve Officer Absent From Duty

A Reserve officer whose term of active service expires while confined as a result of court-martial action continues to be entitled to pay and allowances, except when forfeited under an approved sentence of a court-martial or a period of service is terminated by proper orders.

Table 1–3–1

AUTHORIZED ABSENCE—EFFECT ON PAY AND ALLOWANCES

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **When member is absent from duty** | **and** | **then member is** | **and the period of absence is** |
| 1 | on authorized leave | such leave is:<br>a. ordinary accrued leave<br>b. emergency leave<br>c. reenlistment leave<br>d. delay en route | entitled to otherwise proper credit of full pay and allowances during the period of absence | charged as leave. |
| 2 | | in advance of that accrued | | charged against leave as it accrues (note 1). |
| 3 | | such leave is:<br>a. graduation leave<br>b. sick or convalescent leave<br>c. pass or liberty<br>d. proceed time | | not chargeable against leave. |
| 4 | at home on PCS orders awaiting final action on physical evaluation board proceedings | | entitled to pay and allowances as follows:<br>a. basic pay<br>b. special pay (if a health professional officer)<br>c. BAS officer & enlisted (note 3)<br>d. BAQ (note 2)<br>e. clothing maintenance allowance | chargeable to leave to the extent possible (note 4). |
| 5 | on excess leave | | not entitled to pay and allowances except BAQ as provided in para 30251c. | not chargeable to accrued leave. |

NOTES:
1. See **paragraph** 10305 for collection requirements when advance leave is changed to excess leave.
2. Members without dependents are entitled to BAQ as prescribed in table 3-2-3, rules 21 and 22.
3. Enlisted members are entitled to BAS at the rate shown in paragraph 30136a except for days of leave specifically authorized by the PCS orders. Pay BAS at the rate shown in paragraph 30136b for the PCS order-authorized leave period.
4. A negative leave balance which existed prior to the member being ordered home continues until separation or retirement and will be collected as excess leave.

★TABLE 1-3-2

## UNAUTHORIZED ABSENCE AND OTHER LOST TIME—EFFECT ON PAY AND ALLOWANCES

| RULE | A | B | C |
|---|---|---|---|
| | When member is absent from duty | and | the member (note 6) |
| 1 | without authority (A WOL) or over leave, delays enroute, pass or liberty | the absence is excused as unavoidable | is entitled to otherwise proper credits of pay and allowances (note 1). |
| 2 | | the absence is not excused as unavoidable | is not entitled to pay and allowances. |
| 3 | for more than 24 consecutive hours as a result of a disease | the disease is caused by and immediately follows intemperate use of alcoholic liquors or habit-forming drugs | is entitled to allowances but not to basic pay, special or incentive pay (note 2). |
| 4 | in confinement by civil authorities | is being detained as a witness before a civil court | is entitled to otherwise proper credits of pay and allowances. |
| 5 | | the absence is excused as unavoidable (see table 1-3-3) | |
| 6 | | the absence is not excused as unavoidable (see table 1-3-3) | is not entitled to pay and allowances, except for that part of the period that is covered by authorized leave, liberty, or pass (note 5). |
| 7 | in confinement by military authorities for a foreign civil offense | is not considered "constructively absent" from duty (note 4) | is entitled to otherwise proper credits of pay and allowances. |

| | | | |
|---|---|---|---|
| 8 | | is considered "constructively absent" from duty (note 7) | is not entitled to pay and allowances except for that part of the period that is covered by authorized leave, unless the absence is excused as unavoidable (see table 1-3-3). |
| 9 | in military confinement (other than for civil authorities) | is awaiting trial by court-martial or serving a sentence of confinement which did not include a forfeiture of pay | is entitled to otherwise proper credits of pay and allowances. |
| 10 | | is serving a court-martial sentence which includes a forfeiture of pay and allowances | is entitled to pay and allowances accruing before the date the sentence was approved by the convening authority and to any unforfeited pay and allowances accruing after that date. |
| 11 | as a deserter | is found guilty of deserting by a court-martial or is administratively discharged for desertion | forfeits all pay and allowances including that due on the first day of desertion (note 3). |
| 12 | without authority for 3 months while serving as an Army or Air Force officer | is dropped from the rolls by the President | forfeits all pay and allowances due or to become due (note 3). |

NOTES:

1. Enlisted members are entitled to BAS at the rate prescribed when permission to ration separately is granted unless they were subsisted at Government expense.

2. Member is not entitled to pay or allowances for period of hospitalization after expiration of enlistment.

3. Pay and allowances due on date of desertion and on date an officer was dropped from the rolls will be used to satisfy debts due the US and its instrumentalities.

4. In any case where the commander of the military installation retains the discretionary authority to decide to incarcerate a member (or to merely restrict to the duty station and assign to perform useful and productive duties on a full-time basis) such member will not be considered as being "constructively absent" for the purposes of entitlement to pay and allowances.

5. A member is not entitled to pay and allowances if granted a pass or liberty to serve civil confinement.

6. See paragraph 30251 for entitlement to basic allowance for quarters in a nonpay status.

7. Under existing DOD policy and Status of Forces Agreements, the US Commander always retains discretionary authority to incarcerate or restrict a service member to the installation when such a member is pending civil charges, even in cases where incarceration or restriction is requested by foreign authorities. Such member is not considered as being "constructively absent" for the purpose of entitlement to pay and allowances.

TABLE 1-3-3

## RULES FOR DETERMINING WHETHER ABSENCE IS UNAVOIDABLE

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | When member is absent from duty | and | and | then the absence may |
| 1 | in confinement by civil authorities or by military authorities for civil authorities | is tried and aquitted | | be excused as unavoidable. |
| 2 | | charges are dismissed or member is released (or dies) without trial | it is clear that arrest and detention were not due to member's misconduct | |
| 3 | | is released without trial upon agreement to make restitution or reparation for the alleged offense | the commander determines that absence was not due to member's misconduct | |
| 4 | | is admitted to bail and trial is postponed indefinitely | it is apparent that the case will not be prosecuted | |
| 5 | | was released because the case was discontinued by the prosecutor or plaintiff or because the jury failed to agree | | |

TABLE 1-3-3 —Continued

## RULES FOR DETERMINING WHETHER ABSENCE IS UNAVOIDABLE

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | When member is absent from duty | and | and | then the absence may |
| 6 | | is tried and convicted | | not be excused as unavoidable. |
| 7 | | is released under bond (not in a full duty status) pending appeal of the case to a higher court | the appeal does not result in acquittal | |
| 8 | | is discharged because of imprisonment or conviction by a civil court | | |
| 9 | | confinement is due to failure to obey a decree of a civil court | | |
| 10 | in confinement by civil authorities | is tried and found not guilty by reason of insanity | is transferred to a State mental institution | be excused as unavoidable. |
| 11 | without authority (AWOL) or over leave | the absence could not have been avoided by the member or by military authorities | the absence was not due to member's misconduct | be excused as unavoidable. |
| 12 | over pass or liberty | | | |
| 13 | | the absence could have been prevented by member or by military authorities | | not be excused as unavoidable. |

TABLE 1-3-4

## COMPUTING PERIODS OF UNAUTHORIZED ABSENCE

| RULE | A | | | B | C | D |
|---|---|---|---|---|---|---|
| | When a member of the | | | and the hour of expiration of leave, pass, or liberty, or authorized travel time | and the member | then |
| | Army/ Air Force | Navy/ Marine Corps | | | | |
| 1 | X | X | leaves the post of duty, place of service or organization without authority | | remains absent more than 24 consecutive hours | the day of departure will be counted as the first day of unauthorized absence. |
| 2 | | | fails to report to the organization or post of duty on the last day of authorized leave, pass, or liberty, or authorized travel time | is before 2400 hours as specified in leave orders | does not report on or before the specified hour of the following day | the last day of leave, pass, or liberty, or authorized travel time is the first day of unauthorized absence. |
| 3 | | | | is 2400 hours as specified in leave orders | | the day following the last day of leave, pass, or liberty, or authorized travel time is the first day of unauthorized absence. |
| 4 | | | fails to report to the organization or post of duty on the last day of authorized leave, pass, or liberty | is not specified in leave orders | does not report before normal duty hours of the following day (note 1) | the day following the last day of leave, pass, or liberty is the first day of unauthorized absence. |
| 5 | X | | | | does not report by 2400 hours of the following day | |

TABLE 1-3-4 —Continued

COMPUTING PERIODS OF UNAUTHORIZED ABSENCE

| R U L E | A | | | B | C | D |
|---|---|---|---|---|---|---|
| | When a member of the | | | and the hour of expiration of leave, pass, or liberty, or authorized travel time | and the member | then |
| | Army Air Force | Navy/ Marine Corps | | | | |
| 6 | X | X | fails to report to the organization or post of duty by 2400 hours on the last day of authorized travel time | is not specified in orders | | the day following the last day of authorized travel time is the first day of unauthorized absence. |
| 7 | | | | | returns to the place of duty, or organization, or otherwise to the jurisdiction of the Armed Forces | the day before the member's return is the last day of unauthorized absence. |

NOTE: The unauthorized absence begins at the normal duty hour. No unauthorized absence exists unless the member remains absent for more than 24 hours after the beginning of the normal duty hour.

# CHAPTER 4

# PAYMENT IN CASES OF VOID, VOIDABLE, OR REJECTED ENLISTMENTS OR INDUCTIONS

## 10401. Voidability of Contract

A fraudulent contract of enlistment or induction is not void but is voidable at the option of the Government. When the Government becomes aware of the fraud it may void the contract or waive the objection and allow the contract to stand. See table 1-4-1.

## 10402. Fraudulent Enlistments—Pay and Allowances

Members under investigation or determined to be serving in fraudulent enlistments are due pay and allowances for periods shown in table 1-4-1.

## 10403. Donations and Travel Payments

See chapter 4, part four, this manual.

## 10404. Disbursing Officer Entitled To Credit

A disbursing officer is entitled to credit for proper payments to a member who fraudulently enlisted, if payments were made without the knowledge of the fraud and before the Government rescinded the contract.

## 10405. Failure To Discover Physical Condition of Enlistee or Inductee

Failure to discover that the physical condition of an enlistee or inductee was such as would warrant rejection for military service does not deprive member of right to pay and allowances or of the status of being entitled to basic pay (see table 1-4-1).

**TABLE 1-4-1**

**VOID, VOIDABLE, OR REJECTED ENLISTMENTS OR INDUCTIONS—PAY AND ALLOWANCES**

| RULE | A | B | C |
|---|---|---|---|
| | **When an individual** | **and** | **then pay and allowances** |
| 1 | is under investigation for a fraudulent enlistment or induction | | will continue to be paid until determination of fraud is made |
| 2 | is determined to be serving under a fraudulent enlistment or induction; or enlists in the Army or Air Force before 17 (male) or 18 (female), and the Government discovers the defect after the member reaches minimum age; or enlists in the Army or Air Force while 17 (male) or 18, 19, 20 (female), without parents' or guardian's consent | the Government neither voided the enlistment or induction nor waives the fraud (or defect) | are suspended (including unpaid pay and allowances) from the date the disbursing officer is notified of the determination of fraud until the Government either voids the enlistment or induction, or allows it to stand |
| 3 | | the Government voids the enlistment or induction | will not be paid (note 1) |
| 4 | | the Government waives the fraud (or defect) | continue and the service is as valid as that of any other member |
| 5 | enlists in the Army or Air Force before 17 (male) or 18 (female), and the Government discovers the defect before the member reaches minimum age | | do not accrue between date of notification to disbursing officer and date of discharge (note 1) |
| 6 | enlists in the Army or Air Force while 17 (male) or while 18, 19, 20 (female), without parents' or guardian's consent | is discharged upon application of parent or guardian | accrue to include the date of discharge or release |
| 7 | enlists in the Navy or Marine Corps while under the minimum statutory age (17) (male), or while under the minimum statutory age (18) or administrative age (21) (female) | | |
| 8 | was judicially declared to have been mentally incompetent before entry on active duty | is released from military control for such reason | do not accrue for any part of the period involved (note 2) |

**TABLE 1-4-1—Continued**

| R U L E | A<br>When an individual | B<br>and | C<br>Then pay and allowances |
|---|---|---|---|
| 9 | was not judicially declared to be mentally incompetent before entry on active duty but is later found to have been mentally incompetent at the time of entry on active duty | is released from military control for such reason | accrue from the time of entry on active duty until release from military control |
| 10 | enlisted or inducted into the service is discovered by the service medical authorities to have been medically unfit for induction at the time of entrance into the service | | accrue from the time of entry on active duty through the date of release from military control |

NOTES:

1. Individual retains amounts received before disbursing officer is notified, if otherwise proper.

2. Individual retains amounts received while performing active duty before release from military control.

# CHAPTER 5

# SPECIAL PAYS FOR HEALTH PROFESSIONALS

## SECTION A—SPECIAL PAY FOR ACTIVE DUTY

### 10501. Entitlement

Dental, veterinary, and optometry officers are entitled to this special pay for active duty in addition to any other pay, allowances, special pay or incentive pay.

### 10502. Rates payable

The monthly rates applicable are:

| | |
|---|---|
| a. Veterinary and optometry officers | $100 |
| b. Dental officers: | |
| (1) With less than 2 years of active dental service | $100 |
| (2) With 2 years or more, but less than 6 years, of active dental service | $150 |
| (3) With 6 years or more, but less than 10 years, of active dental service | $250 |
| (4) With 10 years or more active dental service | $350 |

### 10503. Provisions Governing Payment

a. A reserve dental, veterinary or optometry officer ordered to active duty for less than 1 year, whose orders are amended to require continuous active duty for a year or more, is entitled to special pay from the date the amending orders are issued. Example: Officer was ordered to active duty on 17 Jan 1966 for 6 months; on 13 Jun 1966 original orders were amended to extend the active duty period to 10 months; on 10 Oct 1966 the original orders were amended to extend the active duty period to 15 months. Special pay is payable from 10 Oct 1966.

b. Combining two or more periods of active duty of less than 1 year each performed under separate sets of orders does not qualify reserve dental, veterinary, or optometry officers for special pay for subsequent tours of active duty.

c. Except as in subparagraph a above, Reserve dental, veterinary, or optometry officers are not entitled to monthly special pay for active duty unless they are on active duty for 1 year or more.

### 10504. Authorized Payees

Subject to restrictions in paragraph 10503, the conditions of entitlement are as follows:

a. **Dentists.** An officer of the Army or Navy in the Dental Corps, and an officer of the Air Force who is designated as a dental officer, who is serving on active duty for a period of at least 1 year, is entitled to special pay at the applicable rates shown in paragraph 10502.

b. **Optometry Officers.** An officer of the Regular or Reserve Army, Navy, or Air Force who is designated as an optometry officer, who is on active duty as a result of a call or order to active duty for a period of at least 1 year, is entitled to special pay at the rate prescribed in paragraph 10502 for each month of active duty beginning on or after 1 Oct 1977.

c. **Veterinary Officers.** An officer in the following categories, who is on active duty as a result of a call or order to active duty for a period of at least 1 year, is entitled to special pay at the rate prescribed in paragraph 10502 for each month of active duty beginning on or after 1 Oct 1977:

(1) Regular Army in the Veterinary Corps;

(2) Reserve component of the Army who is in the Veterinary Corps;

(3) Regular Air Force and designated a veterinary officer;

(4) Reserve component of the Air Force and designated a veterinary officer; or

(5) Member of the Army or Air Force without specification of component and designated as a veterinary officer.

d. **Optometry and Veterinary Service Prior to 1 Oct 1977.** Officers who were designated or appointed as optometry or veterinary officers and entered on active duty on or before 30 June 1975, and who otherwise qualified, retain their entitlement to the special pay through 30 Sep 1977.

### 10505. Dental Pay Date

The dental pay date determines the

rates of special pay for dental officers (paragraph 10502b). Establish dental pay date as follows:

a. **Navy:** Establish date from Commander, Naval Military Personnel Command Letter.

b. **Army and Air Force:**

(1) The dental pay date is the first day of active duty as a dental officer, unless the officer is covered by paragraph 10505b(2).

(a) For an officer who received a direct commission as a dental officer, the dental pay date is the first day of extended active duty.

(b) For a commissioned officer who was on extended active duty when designated as a dental officer, the dental pay date is the date the officer was designated a dental officer.

(2) For the following officers, when they are entitled to medical or dental special pay, compute dental pay date by the method stated in paragraph 10505b(3), using only creditable active dental service as defined in paragraph 10506.

(a) Dental officers who had a break in service after their first day of extended active duty as dental officers.

(b) Dental officers who served one or more periods of active duty for training after having been called or ordered to active duty for a continuance period of at least 1 year under one set of orders.

(3) For officers included in paragraph 10505b(2), determine the total creditable active dental service in accordance with paragraph 10506 then compute the dental pay date by the method shown in this example:

*Example:*

| *Note* | *Year* | *Month* | *Day* |
|---|---|---|---|
| a. | 1975 | 07 | 14 |
| b. | 2 | 03 | 06 |
| c. | 1973 | 04 | 08 |

Notes:

a. (Date of last entry on active duty as a dental officer)

b. (Less prior active service as a dental officer)

c. (Dental pay date).

## 10506. Creditable Active Dental Service Defined

The terms "active service as a dental officer" and "active dental service" means actual service that the officer has completed as a dental officer in the Army, Navy, Air Force, or Public Health Service, regular or reserve. Actual service comprises:

a. Extended active duty including time served on active duty as an intern, and

b. Periods of active duty for training on or after 10 Aug 1956. (The requirement to be called or ordered to active duty for a continuous period of at least 1 year under one set of orders (paragraphs 10503a and b) must be satisfied only once. Subsequent periods of active duty, regardless of duration, are creditable service.)

## SECTION B—SPECIAL CONTINUATION PAY FOR DENTAL OFFICERS

## 10511. Entitlement

Officers in the Dental Corps of the Army or Navy and officers in the Air Force designated as dental officers, are entitled to continuation pay when they meet the requirements of this section and the requirements of the administrative regulations of the service concerned.

### 10512. References

Detailed policies and procedures governing the administration of the continuation pay program are contained in:

★a. **Army**—DA Msg 301515Z Oct 74, as amended by DA Msg 181650Z Nov 75, DA Msg 051800Z Jan 78, DA Msg 291452Z Jun 78, DA Msg 101802Z Oct 79, DA Msg 291930Z Apr 83 and DA Msg 271330Z Mar 85.

b. **Navy**—SecNav Inst 7220.61 Series.

c. **Air Force**—AFR 36-8.

## 10513. Eligibility Requirements

To qualify for continuation pay under this section, a dental officer must:

a. Be serving on active duty in a critical specialty (a category of dental officers in which the supply of qualified officers has been inadequate to meet military requirements, as determined by the Assistant Secretary of Defense (Health Affairs)); and

b. Be fully qualified in the critical specialty in accordance with instructions of the Secretary of Defense; and

c. Be selected as eligible for continuation pay by the Secretary of the Department concerned, or the Secretary's designee; and

d. Be serving in pay grade 0-3 through 0-8; and

e. Have completed 3 years' service as a dental officer, including only the sum of a dental officer's periods of active duty service and periods of time spent undergoing approved postgraduate dental training beyond the basic dental degree while not on active duty; and

f. Have completed the initial active duty obligation; and

g. Execute a written agreement to remain on active duty for at least 1 additional year from the effective date of the agreement, or, if currently under an initial active duty obligation, from the date of completion of such obligation.

## 10514. Computation

a. The amount payable is based on the selected officer's grade and length of service on the effective date of the active duty agreement. The rates of basic pay must be those in effect on 1 Apr 1980.

b. Table 1-5-1 shows computation of the pay for the pay grades involved.

## 10515. Time of Payment

a. Continuation pay is paid in one annual or two equal semiannual installments as determined by the Secretary of the Military Department concerned, or the Secretary's designee. The initial installment is paid on the date the officer begins to serve on the additional active duty period. Pay the second and subsequent installments on the annual or semiannual anniversary date as applicable.

b. When the Secretary of the Department concerned, or the Secretary's designee determines that it is in the best interest of the member concerned, payment of continuation pay may be made in fewer installments. Applications for payment in fewer installments are processed in accordance with the directives of the service concerned.

## 10516. Recoupment of Unearned Continuation Pay

An officer who does not serve on active duty for the entire period for which that officer received continuation pay must repay that portion of the pay which is unearned. To arrive at an amount to be recouped, reduce the continuation pay which has been paid to an amount per month and multiply the monthly amount by the number of months and fractions of months the officer has not served. The unearned portion of continuation pay will be collected from the unpaid pay and allowances of a deceased officer.

## 10517. Saved Pay

a. Regardless of any other provisions in this section, an officer who, on 1 Oct 1979, was receiving continuation pay and has completed 20 or more years' service as a dental officer shall not receive less continuation pay than the officer was entitled to on 30 Sep 1979. Dental officers who were in training programs before 1 Oct 1979 will continue to receive continuation pay during such training under the same formula that existed when they entered their particular program.

b. Effective 12 Dec 1980, a dental officer who was on active duty 30 Sep 1979 and who thereafter completes 20 years of active service is entitled to receive (while serving on active duty after 20 years' service) a total monthly amount of basic pay and continuation pay in an amount not less than the sum of:

(1) The monthly basic pay the dental officer is entitled to receive using the basic pay rates which were in effect 1 Oct 1979; and

(2) The monthly amount of continuation pay the dental officer is entitled to receive. Compute continuation pay as follows:

| Grade | Computation |
|---|---|
| 0-8 | 1/6 of monthly basic pay |
| 0-7 | 1/4 of monthly basic pay |
| 0-4, 0-5, 0-6 | 1/3 of monthly basic pay |

The monthly basic pay rates are those which were in effect 1 Oct 1979.

## SECTION C—VARIABLE SPECIAL PAY FOR MEDICAL OFFICERS

## 10521. Entitlement

An officer of the medical corps of the Army

or the Navy or an officer of the Air Force designated as a medical officer and who is on active duty under a call or order to active duty for a period of not less than 1 year is entitled to special pay as provided in this section and sections D through F.

### 10522. Rates Payable

The monthly rates payable are:

| | |
|---|---|
| a. If the officer is an intern ..... | $100.00 |
| b. If the officer has less than 6 years' creditable service and is not an intern ...................... | 416.66 |
| c. If the officer has 6 but less than 8 years' creditable service ......... | 833.33 |
| d. If the officer has 8 but less than 10 years' creditable service ........ | 791.66 |
| e. If the officer has 10 but less than 12 years' creditable service ... | 750.00 |
| f. If the officer has 12 but less than 14 years' creditable service ... | 666.66 |
| g. If the officer has 14 but less than 18 years' creditable service ... | 583.33 |
| h. If the officer has 18 but less than 22 years' creditable service ... | 500.00 |
| i. If the officer has 22 or more years' creditable service .......... | 416.66 |
| j. If the officer is serving in a pay grade above 0-6, regardless of years of creditable service ............. | 83.33 |

### 10523. Special Provisions

a. A medical officer is entitled to variable special pay if an ordered tour of less than 1 year is amended to require continuous active duty for 1 year or more. Entitlement begins on the date the amending orders are issued to extend the tour to 1 year or more.

b. Entitlement to this variable special pay is in addition to any other pay and allowances of the officer.

### 10524. Creditable Service Defined

Use creditable service to compute the medical officer's entitlement to variable special pay. Creditable service includes:

a. All periods of internship and residency training successfully completed while not on active duty; and

b. All periods of internship and residency training not completed, if they were terminated or interrupted as the result of military operational requirements; and

c. All periods of active service in the medical corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

NOTE: Internship or residency in a foreign medical facility, which is not acceptable under the credentialing criteria of an American Medical or Osteopathic Specialty Examining Board, may not be included in the computation of creditable service.

## SECTION D—BOARD CERTIFIED PAY FOR MEDICAL OFFICERS

### 10531. Entitlement

Medical officers as defined in paragraph 10521 are entitled to board certified pay for active duty when they meet the requirements of this section.

### 10532. Rates Payable

The monthly rates payable are:

| | |
|---|---|
| a. If the officer has less than 10 years' creditable service .......... | $166.66 |
| b. If the officer has 10 but less than 12 years' creditable service ... | 208.33 |
| c. If the officer has 12 but less than 14 years' creditable service ... | 250.00 |
| d. If the officer has 14 but less than 18 years' creditable service ... | 333.33 |
| e. If the officer has 18 or more years' creditable service .......... | 416.66 |

### 10533. Special Provisions

a. A medical officer is entitled to board certified pay if:

(1) The medical officer is entitled to variable special pay (section C); and

(2) The medical officer is board certified (paragraph 10535).

b. Entitlement to this board certified pay is in addition to any other pay and allowances of the officer.

## 10534. Creditable Service Defined

See paragraph 10524.

## 10535. Board Certified Defined

A medical officer is considered board certified if:

★a. Certified by an American Medical or Osteopathic Specialty Examining Board (American medical or osteopathic examining boards are those recognized by the American Board of Medical Specialties and the Advisory Board for Osteopathic Specialists; listings of the recognized certifying boards are published annually in the Directory of Residency Training Programs, published by the American Medical Association, and the American Osteopathic Association Yearbook and Directory of Osteopathic Physicians); or

b. Board certification equivalency has been established for specialties unique to military medicine for which there is a formal postgraduate medical training program of not less than 2 academic years. Successful candidates will receive a certificate of board certification equivalency.

## SECTION E—ADDITIONAL SPECIAL PAY FOR MEDICAL OFFICERS

## 10541. Entitlement

Medical officers as defined in paragraph 10521 are entitled to additional special pay when they meet the requirements of this section and the requirements of the administrative regulations of the service concerned.

### 10542. References

**a. Air Force:** AFR 36-4.

★**b. Army:** DA Msg 221500Z Aug 83, as amended by DA Msg 251901Z May 84 and DA Msg 271325Z Mar 85.

**c. Navy:** SECNAVINST 7220.75 Series.

### 10543. Eligibility Criteria

To qualify for additional special pay under this section, a medical officer must:

a. Not be undergoing internship or initial residency training; and

b. Sign an agreement to remain on active duty for at least 1 additional year from the effective date of the agreement.

### 10544. Creditable Service Defined

See paragraph 10524.

### 10546. Time of Payment

Pay additional special pay annually at the beginning of each 12-month period, starting with the effective date of the written agreement.

### 10545. Rates Payable

If eligible under paragraph 10543, a medical officer with:

a. Less than 10 years' creditable service is entitled to additional special pay of $9,000 for each 12-month period.

b. Ten or more years' creditable service is entitled to additional special pay of $10,000 for each 12-month period.

### 10547. Termination and Recoupment of Unearned Additional Special Pay

a. The Secretary of the military department concerned may terminate at any time an officer's entitlement to additional special pay. If entitlement is terminated, recoup the unearned additional special pay on a pro rata basis, subject to c below.

b. If an officer enters internship or initial residency training or does not serve on active duty for the period of the agreement, recoup the unearned additional special pay on a pro rata basis, subject to c below.

c. If an officer dies or is retired for disability while serving under an additional special pay agreement, recoup the unearned portion on a pro rata basis unless the Assistant Secretary of Defense (Health Affairs) determines that recoupment is not in the best interest of the Government.

## SECTION F—INCENTIVE SPECIAL PAY

### 10551. Authorization

Medical officers as defined in paragraph 10521 may be authorized incentive special pay when they meet the requirements of the administrative regulations of the service concerned.

### 10552. References

**a. Air Force:** AFR 36-4.

★**b. Army:** DA Msg 291500Z Aug 83, as amended by DA Msg 051832Z Oct 83 and DA Msg 041500 Sep 84.

**c. Navy:** SECNAVINST 7220.75 Series.

### 10553. Eligibility Criteria

To be eligible for incentive special pay under this section, a medical officer must:

a. Not be undergoing medical internship or initial residency training; and

b. Be serving in pay grade O-6 or below; and

c. Sign an agreement to remain on active duty for at least 1 year. The effective date of the agreement will be as prescribed in regulations issued by the Secretary concerned and will be included in the agreement; and

d. Be determined by the military department concerned to be:

(1) Qualified in a specialty in critical supply, or

(2) Assigned to a position as the sole professional resource in the officer's category, or

(3) Assigned to a position which has limited professional growth opportunities because of the nature of practice in the assignment, or

(4) Isolated from medical educational opportunities, or

(5) Lacking any opportunities to interact with the medical community, or

(6) Affected by other similar factors.

Such determinations will be approved by the Secretary concerned or the Secretary's designee.

### 10554. Amount Payable

An officer authorized incentive special pay may be paid an amount not to exceed $8,000 per year, under regulations prescribed by the Secretary of the respective military department.

### 10555. Time of Payment

Pay incentive special pay in a lump sum at the beginning of the 12-month period for which the officer is entitled to such payment.

### 10556. Termination and Recoupment of Unearned Incentive Special Pay

a. The Secretary of the military department concerned, or designee, may terminate at any time an officer's entitlement to incentive special pay because of unprofessional conduct or medical incompetence, under pertinent departmental directives. If entitlement is terminated, recoup the unearned incentive special pay on a pro rata basis, subject to c below.

b. If an officer does not serve on active duty for the period of the agreement, is promoted to O-7, or enters internship or initial residency training, recoup the unearned incentive special pay on a pro rata basis, subject to c below.

c. If an officer dies or is retired for disability while serving under an incentive special pay agreement, recoup the unearned portion on a pro rata basis unless the Assistant Secretary of Defense (Health Affairs) determines that recoupment is not in the best interest of the Government.

## SECTION G—SPECIAL PAY FOR ACTIVE DUTY OF RESERVE MEDICAL OFFICERS

### 10561. Special Pay for Active Duty of Reserve Medical Officers

**a. Entitlement.** A Reserve officer of the Army or Navy in the Medical Corps or a Reserve officer of the Air Force designated as a medical officer who is on active duty for less than 1 year is entitled to special pay for such active duty, provided the officer has previously served on continuous active duty under one set of orders as a medical officer for at least 1 year.

**b. Rates Payable.** The monthly rates are:

(1) With less than 2 years of active duty as a medical officer .......................... $100

(2) With 2 or more years of active duty as a medical officer .............................. $350

### 10562. Medical Pay Date

The medical pay date determines the rates of special pay for Reserve medical officers (paragraph 10561). Establish medical pay date as follows:

**a. Navy:** Establish date from Commander Naval Military Personnel Command Letter.

**b. Army and Air Force:**

(1) The medical pay date is the first day of active duty as a medical officer, unless the officer is covered by paragraph 10562b(2).

(a) For an officer who received a direct commission as a medical officer, the medical pay date is the first day of extended active duty.

(b) For a commissioned officer who was on extended active duty when designated as a medical officer, the medical pay date is the date the officer was designated a medical officer.

(2) For the following officers, when they are entitled to special pay under this section, compute the medical pay date by the method stated in paragraph 10562b(3) using only active duty as a medical officer as defined in paragraph 10563.

(a) Medical officers who had a break in service after their first day of extended active duty as medical officers.

(b) Medical officers who served one or more periods of active duty for training after having been called or ordered to active duty for a continuous period of at least 1 year under one set of orders.

(3) For officers included in paragraph 10562b(2), determine the total period of active duty as a medical officer in accordance with paragraph 10563, then compute the medical pay date by the method shown in this example:

| Note | Year | Month | Day |
|---|---|---|---|
| a. | 1981 | 07 | 14 |
| b. | 2 | 03 | 06 |
| c. | 1979 | 04 | 08 |

NOTES:

a. Date of last entry on active duty as a medical officer.

b. Less prior active duty as a medical officer.

c. Medical pay date.

### 10563. Active Duty as a Medical Officer Defined

The term "active duty as a medical officer" means actual service that the officer has completed as a medical officer in the Army, Navy, Air Force, or Public Health Service, regular or Reserve. Actual service comprises:

a. Extended active duty including time served on active duty as an intern, and

b. Periods of active duty for training on or after 10 Aug 1956. (The requirement to be called or ordered to active duty for a continuous period of at least 1 year under one set of orders as specified in paragraph 10561a must be satisfied only once. Subsequent periods of active duty as a medical officer, regardless of duration, are creditable.)

### 10564. Active Duty of 1 Year or More

A Reserve medical officer who is on active duty for 1 year or more or whose orders are amended to require continuous active duty for 1 year or more (from date of amendment) is entitled to the special pays provided in sections C through F of this chapter, if otherwise qualified.

## SECTION H—INTERSERVICE TRANSFERS

### 10571. Entitlement Policy

The following instructions apply to the interservice transfers of medical officers serving under additional special pay agreements and incentive special pay agreements, and dentists serving under continuation pay agreements:

a. The gaining service will determine the special pay status of the transferred officer.

b. Gaining service approval of the interservice transfer will convey approval of any special pay agreement(s) then in effect.

c. Gaining and losing services will prorate payments of special pay to the transferred officer based on effective date of the interservice transfer.

**TABLE 1-5-1**

**COMPUTATION OF CONTINUATION PAY**

| R<br>U<br>L<br>E | A | B |
|---|---|---|
| | **When an officer eligible for continuation pay is serving in pay grade** | **then for each additional year of active duty, the continuation pay payable is (note 4)** |
| 1 | 0-8 | 2 months basic pay. |
| 2 | 0-7 (notes 1,2,3 and 5) | 3 months basic pay. |
| 3 | 0-3, 0-4, 0-5, 0-6 (notes 1,2,3 and 5) | 4 months basic pay. |

NOTES:

1. Except as in 2 and 3 below, dental officers who begin participating, on and after 1 Oct 1979, in a residency training or a formal dental education program of at least 10 months will be paid an amount equal to 2 months of their basic pay using the basic pay rates in effect 1 Oct 1979.
2. An officer who, on 1 Oct 1979 was receiving continuation pay and has completed 20 or more years' service as a dental officer, shall not receive less continuation pay than the officer was entitled to on 30 Sep 1979. Dental officers who were in training programs prior to 1 Oct 1979 will continue to receive continuation pay during such training under the same formula that existed when they entered their particular program.
3. Effective 12 Dec 1980, a dental officer who was on active duty on 30 Sep 1979 and who thereafter completes 20 years of active service is entitled to receive (while serving on active duty after 20 years' service) continuation pay at the rates shown for the officer's pay grade. (See paragraph 10517b for computation.)
4. The rates of basic pay must be those in effect on 1 Apr 1980.
5. Subject to the savings provisions of note 3 and paragraph 10517b, an officer who completes 20 years of active dental service after 1 Oct 1979 but who has not completed a residency training program or a formal dental education program of 10 months or more shall be paid continuation pay of 2 months' basic pay at the rates in table 1-5-2.

**TABLE 1–5–2**

**BASIC PAY RATES—RATES OF MONTHLY BASIC PAY IN EFFECT 1 OCT 1979 THROUGH 30 SEP 1980**

| PAY GRADE | | | | | | | *YEARS OF SERVICE* | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| | **COMMISSIONED OFFICERS** | | | | | | | | | | | | | |
| 0–8 | 2833.50 | 2918.40 | 2987.70 | 2987.70 | 2987.70 | 3210.60 | 3210.60 | 3362.40 | 3362.40 | 3801.90 | 3654.00 | 3794.10 | 3946.20 | 3946.20 |
| 0–7 | 2354.40 | 2514.60 | 2514.60 | 2514.60 | 2627.10 | 2627.10 | 2779.80 | 2779.80 | 2918.40 | 3210.60 | 3431.10 | 3431.10 | 3431.10 | 3431.20 |
| 0–6 | 1745.10 | 1917.60 | 2042.70 | 2042.70 | 2042.70 | 2042.70 | 2042.70 | 2042.70 | 2112.00 | 2446.50 | 2571.60 | 2627.10 | 2779.80 | 3014.70 |
| 0–5 | 1395.90 | 1639.20 | 1752.30 | 1752.30 | 1752.30 | 1752.30 | 1805.70 | 1902.30 | 2029.50 | 2181.60 | 2307.00 | 2376.60 | 2459.70 | 2459.70 |
| 0–4 | 1176.60 | 1432.20 | 1528.20 | 1528.20 | 1556.10 | 1625.40 | 1736.10 | 1833.90 | 1917.60 | 2001.30 | 2057.10 | 2057.10 | 2057.10 | 2057.10 |
| 0–3 | 1093.50 | 1222.20 | 1306.50 | 1445.70 | 1514.70 | 1569.60 | 1653.90 | 1736.10 | 1778.70 | 1778.70 | 1778.70 | 1778.70 | 1778.70 | 1778.70 |
| | **COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE SERVICE AS ENLISTED MEMBERS** | | | | | | | | | | | | | |
| 0–3 | 0. | 0. | 0. | 1445.70 | 1514.70 | 1569.60 | 1653.90 | 1736.10 | 1805.70 | 1805.70 | 1805.70 | 1805.70 | 1805.70 | 1805.70 |

# CHAPTER 6

# SPECIAL PAY—FOREIGN DUTY

### 10601. Entitlement

Foreign duty pay is payable to enlisted members otherwise entitled to basic pay who are assigned to duty at certain places outside the 48 contiguous states and the District of Columbia, as designated by the Secretary of Defense.

### 10602. Conditions of Entitlement

See table 1-6-1 for specific items pertaining to entitlement.

### ★ 10603. Restrictions on Payment

a. Foreign duty pay is not authorized for enlisted members who are residents of a designated foreign duty pay area while serving on permanent duty within that state, possession, or foreign country. A member's residence shall be the same as the member's designated legal residence for income tax purposes.

b. Foreign duty pay is not payable to midshipmen, aviation cadets, or academy cadets.

c. Foreign duty pay is not payable for the 31st day of the month.

### 10604. Rates Payable

| Grade | Monthly Rates |
|---|---|
| E-9 | $22.50 |
| E-8 | 22.50 |
| E-7 | 22.50 |
| E-6 | 20.00 |
| E-5 | 16.00 |
| E-4 | 13.00 |
| E-3 | 9.00 |
| E-2 | 8.00 |
| E-1 | 8.00 |

### 10605. Foreign Duty Pay Areas

a. The commander of the major command in which a designated place is located will issue a local directive to all concerned to:

(1) Identify the perimeter of the designated area, and

(2) List the units or installations included therein.

b. Enlisted members assigned to duty in the places listed below are entitled to foreign duty pay.

## FOREIGN DUTY PAY AREAS

| Designated Area | Effective Dates | |
|---|---|---|
| | From | Through |
| Afghanistan | 1 Oct 63 | 31 May 82 |
| Kabul | 1 May 84 | |
| Alaska | 1 Oct 63 | |
| Algeria: | | |
| Algiers | 1Feb 79 | 31 May 82 |
| Algeria | 1 Dec 83 | |
| Andros Island (Bahamas) | 1 Jan 66 | |
| Antarctica | 1 Oct 63 | |
| Antigua Island (West Indies) | 1 Oct 63 | |
| Argentina | 1 Feb 64 | 31 May 82 |
| Aruba Island (Netherlands Antilles) | 1 Oct 63 | |
| Ascension Island (United Kingdom) | 22 Nov 63 | |
| Australia: | | |
| Alice Springs | 1 Oct 63 | |
| North West Cape | 1 Feb 64 | |
| Woomera City | 1 Jul 70 | |
| Azores Islands | 1 Oct 63 | |
| Bahrain Island | 1 Oct 63 | |
| Bangladesh | 1 Jan 73 | |
| Barbados Island (West Indies) | 1 Oct 63 | |
| Belgium: | | |
| Baraque Fraiture (AFCENT Microwave Radio /NATO Station) | 1 Mar 78 | 31 May 82 |
| Flobecq | 1 Feb 64 | 31 May 82 |
| Florennes | 1 May 84 | |
| Kleine-Brogel | 1 Feb 64 | 31 May 82 |
| Ostende | 1 Jul 73 | 31 May 82 |
| Bolivia | 1 Oct 63 | |
| Botswana: | | |
| Gaberone | 1 Feb 79 | 31 May 82 |
| Brazil: | | |
| Fortaleza | 1 Oct 63 | |
| Recife | 1 Oct 63 | |
| Salvadore | 1 Oct 63 | |

NOTES:

1. Designation of a single country or state indicates that enlisted members on duty at all places within the country or state are entitled to this special pay (Example: Alaska and Turkey), unless exceptions are indicated (Example: Greece).

2. Designation of places within a country indicates that only those places are entitled to this special pay (Example: Cape Verde: Praia).

3. The special pay is currently payable when ending date is not shown in "Through" column.

4. Enlisted members who were receiving foreign duty pay on 31 May 1982, and who were assigned to places that no longer qualified them for this pay on 1 Jun 1982, shall continue to be eligible for such pay until permanently reassigned out of that geographical area.

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates | |
|---|---|---|
| | From | Through |
| Santa Cruz | 1 Oct 63 | |
| All Other Areas of Brazil (except Rio de Janeiro and Sao Paulo) | 1 Feb 64 | 31 May 82 |
| Bulgaria | 1 Oct 63 | |
| Burma | 1 Oct 63 | |
| Cambodia | 1 Oct 63 | |
| Cameroon | 1 Oct 63 | |
| Canada (except metropolitan areas and St. Johns) | 1 Oct 63 | 31 May 82 (See Canada entry below after 31 May 82) |
| Canada: | | |
| British Columbia, Province of (Masset only) | 1 May 85 | |
| Yukon Territory | 1 Jun 82 | |
| Northwest Territory | 1 Jun 82 | |
| Labrador, Province of | 1 Jun 82 | |
| Newfoundland, Province of | 1 Jun 82 | |
| New Brunswick, Province of (St Margarets only) | 1 Jun 82 | |
| Quebec, Province of (Senneterre and Bagotville only) | 1 Jun 82 | |
| Cape Verde: | | |
| Praia | 1 Feb 79 | |
| Central African Republic: | | |
| Bangui | 1 Jun 82 | |
| Ceylon | 1 Oct 63 | |
| Chad | 1 Jan 66 | |
| Chile | 1 Feb 64 | 31 May 82 |
| China (Peking—1 Jul 73) | 1 Jul 80 | |
| Colombia | 1 Oct 63 | |
| Congo | 1 Jul 80 | |
| Costa Rica | 1 Oct 63 | |
| Crete | 1 Oct 63 | |
| Cuba | 1 Oct 63 | |
| Cyprus | 1 Oct 63 | |
| Czechoslovakia | 1 Oct 63 | |
| Denmark: | | |
| Aalborg | 1 Jul 80 | 31 May 82 |
| Christiansfeld | 1 Jul 72 | 31 May 82 |
| Esbjerg | 1 Jul 72 | 31 May 82 |
| Holstebro | 1 Jul 72 | 31 May 82 |

## ★FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates | |
|---|---|---|
| | From | Through |
| Karup Air Station | 1 Oct 63 | 31 May 82 |
| Kolding | 1 Jul 72 | 31 May 82 |
| Odense | 1 Jul 72 | 31 May 82 |
| Vejle | 1 Jul 72 | 31 May 82 |
| Viborg | 1 Jul 72 | 31 May 82 |
| Diego Garcia Island (Chagos Archipelago) | 1 Jun 72 | |
| Djibouti: | | |
| Djibouti | 1 Feb 79 | |
| Dominican Republic | 1 Oct 63 | |
| Ecuador | 1 Oct 63 | |
| Egypt | 1 Oct 63 | |
| Eleuthera Island (Bahamas) | 1 Oct 63 | |
| El Salvador | 1 Feb 64 | |
| Epiwetok (Marshall Islands) | 23 May 77 | |
| England: | | |
| Flyingdale Moors | 1 Feb 64 | |
| Great Bromley | 1 Jun 66 | 31 May 82 |
| RAF Barkway | 1 Jun 66 | 31 May 82 |
| RAF Daventry | 1 Jun 66 | 31 May 82 |
| RAF Spadeadam | 1 Mar 78 | |
| RAF Swingate | 1 Jun 65 | 31 May 82 |
| St. Mawgan | 1 Jan 66 | |
| Ethiopia | 1 Oct 63 | |
| Finland | 1 Feb 64 | |
| Gabon Republic: | | |
| Libreville | 1 Feb 76 | |
| ★German Democratic Republic | 1 Oct 82 | |
| Germany: | | |
| Ahlhorn | 1 Jul 80 | 31 May 82 |
| Allenbach (Radio Terminal 71) | 1 Feb 76 | 31 May 82 |
| Altmansdorf (Radio Relay Site Buick) | 1 Jan 75 | 31 May 82 |
| Alzey | 1 Jun 65 | 31 May 82 |
| Amberg | 1 Feb 64 | 31 May 82 |
| Auerbach | 1 Jan 73 | 31 May 82 |
| Bad Bergzabern | 1 Jan 73 | 31 May 82 |
| Baden Soellingen | 1 Jul 75 | 31 May 82 |
| Bad Neustadt an der Saale | 1 Jul 78 | 31 May 82 |
| Balesfeld | 1 Jan 69 | 31 May 82 |
| Barme | 1 Jan 74 | 31 May 82 |
| Barnstorf | 1 Jun 65 | 31 May 82 |
| Bischofsgruen | 1 Jul 79 | 31 May 82 |
| Blankenheim | 1 Jan 73 | 31 May 82 |
| Bocksberg | 1 Feb 64 | 31 May 82 |
| Boerfink | 1 Jul 79 | 31 May 82 |
| Borgholzhausen | 1 Feb 76 | 31 May 82 |
| Bosserode (OP Romeo) | 1 Jan 73 | 31 May 82 |

## ★FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates |  |
|---|---|---|
|  | From | Through |
| Bottingen | 1 Jan 66 | 31 Jan 77 |
| Brand by Marktrewitz | 1 Jan 73 | 31 May 82 |
| Brandhof | 1 Feb 64 | 31 May 82 |
| Braunlage | 1 Feb 76 | 31 May 82 |
| Breungeshain | 1 Jan 73 | 31 May 82 |
| Brome-Radenbeck | 1 Jan 71 | 31 May 82 |
| Brueke-bei Soest | 1 Jan 73 | 31 May 82 |
| Bruggen | 1 Feb 64 | 31 May 82 |
| Brurn | 1 Jan 73 | 31 May 82 |
| Buchel | 1 Feb 64 | 31 May 82 |
| Burbach Kreis Siegen | 1 Jan 73 | 31 May 82 |
| Buren | 1 Oct 63 | 31 May 82 |
| Camp Wollbach | 1 Jan 74 | 30 Jun 81 |
| Cham | 1 Jul 74 | 31 May 82 |
| Clausen | 1 Jul 70 | 31 May 82 |
| Coburg | 1 Jul 70 | 31 May 82 |
| Dallau | 1 Jan 66 | 31 May 82 |
| Dannenfels | 1 Feb 64 | 31 May 82 |
| Datteln | 1 Jan 66 | 31 May 82 |
| Deilingenhofen | 1 Jan 73 | 31 May 82 |
| Dichtelbach | 1 Jan 66 | 31 May 82 |
| Doebra (Doebraberg) | 1 Feb 64 | 31 May 82 |
| Donnersberg | 1 Feb 64 | 31 May 82 |
| Dornum | 1 Feb 76 | 31 May 82 |
| Dulmen | 1 Jun 67 | 31 May 82 |
| Duren-Drove | 1 Feb 64 | 31 May 82 |
| Edewecht | 1 Jul 78 | 31 May 82 |
| Eibensbach | 1 Feb 76 | 31 May 82 |
| Eichenberg (OP Oscar) | 1 Jan 73 | 30 Jun 81 |
| Emmerich | 1 Jul 73 | 31 May 82 |
| Erbeskopf | 1 Feb 76 | 31 May 82 |
| Erding Air Station | 1 Jun 67 | 31 May 82 |
| Eschwege | 1 Jul 78 | 30 Jun 81 |
| Euskirchen | 1 Jan 73 | 31 May 82 |
| Feldberg (Schwarswald) | 1 Jul 74 | 31 May 82 |
| Flensburg | 1 Jan 81 | 31 May 82 |
| Flensburg-Weiche | 1 Mar 78 | 31 May 82 |
| Freising | 1 Jun 66 | 31 May 82 |
| Garlstedt | 1 May 68 | 31 May 82 |
| Gartow | 1 Feb 64 | 31 May 82 |
| Grefath | 1 Jan 73 | 31 May 82 |
| Grossengsteingen | 1 Jan 68 | 31 May 82 |
| Gross Gusborne | 1 Jan 71 | 31 May 82 |
| Grunstadt | 1 Feb 64 | 31 May 82 |
| Hamminkeln | 1 Jan 66 | 31 May 82 |
| Handorf | 1 Oct 63 | 31 May 82 |
| Hardheim | 1 Jan 66 | 31 May 82 |

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates | |
|---|---|---|
| | From | Through |
| Heidenheim | 1 Jul 75 | 31 May 82 |
| Hemau | 1 Apr 70 | 31 May 82 |
| Hemer-Menden | 1 Feb 64 | 31 May 82 |
| Hepberg | 1 Jul 73 | 31 May 82 |
| Hesselburg | 1 Jul 78 | 31 May 82 |
| Hinsbeck | 1 Jan 69 | 31 May 82 |
| Hofan der Saale | 1 Jul 78 | 31 May 82 |
| Hoherbogen-Rimbach | 1 Jan 71 | 31 May 82 |
| Hohenkirchen | 1 Feb 76 | 31 May 82 |
| Hohenpeissenberg | 1 Feb 64 | 31 May 82 |
| Hohenstadt | 1 Feb 64 | 31 May 82 |
| Holzwicheda-Opherdicke | 1 Jan 73 | 31 May 82 |
| Hontheim | 1 Jan 69 | 31 May 82 |
| Horinsgrinde | 1 Jan 69 | 31 May 82 |
| Inneringen | 1 Jan 66 | 31 May 82 |
| Itzehoe-Nordoe (formerly Itzehoe) | 1 Jan 66 | 31 Jan 76 |
| Jever | 1 Oct 63 | 30 Jun 75 |
| ★Kalkar | 6 Jul 77 | **30 Jun 84*** |
| Keltenbronn | 1 Jun 65 | 31 May 82 |
| Kappelen-Erft | 1 Jan 68 | 31 May 82 |
| Kappeln/Ellenberg | 1 Jan 81 | 31 May 82 |
| Kaster | 1 Jan 73 | 31 May 82 |
| Kellinghusen | 1 Jan 65 | 31 May 82 |
| Kingsley Kaserne | 1 Jan 74 | 31 May 82 |
| Konigshofen/Baden (lauda Bunker) | 1 Jan 69 | 31 May 82 |
| Kreigsfeld | 1 Feb 64 | 31 May 82 |
| Kronach | 1 Jul 78 | 31 May 82 |
| Lahn | 1 Oct 63 | 31 May 82 |
| Lahr | 1 Feb 64 | 31 May 82 |
| Landsberg | 1 Feb 64 | 31 May 82 |
| Langendamm | 1 Jan 73 | 31 May 82 |
| Langerkopf | 1 Feb 64 | 31 May 82 |
| Lehmgrube | 1 Feb 77 | 31 May 82 |
| Linderhofe | 1 Jun 65 | 31 May 82 |
| Lipperhohe | 1 Feb 64 | 31 May 82 |
| Lohne | 1 Feb 76 | 31 May 82 |
| Lohnfeld (Receiver Site) | 1 Jan 68 | 31 May 82 |
| Luederbach (OP India) | 1 Jan 73 | 31 May 82 |
| Marienheide | 1 Jan 66 | 31 May 82 |
| Memmingen | 1 Feb 64 | 31 May 82 |
| Messtetten | 26 May 64 | 31 May 82 |
| Monchberg | 1 Jan 65 | 31 May 82 |
| Montabaur | 1 Jun 67 | 31 May 82 |
| Morbach | 1 Jan 73 | 31 May 82 |
| Mt. Meissner | 1 Oct 63 | 31 May 82 |
| Muehl-Zuesch | 1 Jan 74 | 31 May 82 |
| Norvenich | 1 Feb 64 | 31 May 82 |

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* Enlisted members who were receiving foreign duty pay on 30 Jun 1984 shall continue to be eligible for such pay until permanently reassigned from this location.

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates From | Effective Dates Through |
|---|---|---|
| Oberdachstetter (Relay Mercury) | 1 Jan 68 | 31 May 82 |
| Oedingen | 1 Jan 73 | 31 May 82 |
| Paderborn | 1 Jan 70 | 31 May 82 |
| Passau | 1 Jul 78 | 31 May 82 |
| Pfullendorf | 1 Oct 63 | 31 May 82 |
| Potsdam | 13 Apr 64 | 31 May 82 |
| Pruem (Schonfeld) | 1 Feb 64 | 31 May 82 |
| Rasdorf (OP Alpha) | 1 Jan 73 | 31 May 82 |
| Regen | 1 Jan 66 | 31 May 82 |
| Reihwarzhofen | 1 Feb 64 | 31 May 82 |
| Reisenbach | 6 Jul 77 | |
| Reisenberg | 1 Feb 64 | 31 May 82 |
| Rendsberg | 1 Jul 73 | 31 May 82 |
| Reitscheid | 1 Jan 66 | 31 May 82 |
| Rodenkirchen | 1 Feb 76 | 31 May 82 |
| Rotz | 1 Jan 66 | 31 May 82 |
| Schleswig | 1 Jan 68 | 31 May 82 |
| Schonborn | 1 Jul 79 | 31 May 82 |
| Schoppingen | 1 May 68 | 31 May 82 |
| Schoppingerberg | 1 Jul 69 | 31 May 82 |
| Schotten | 1 Jan 73 | 30 Jun 81 |
| Schwanberg | 1 Feb 64 | 31 May 82 |
| Sennelager | 1 Feb 64 | 31 May 82 |
| Siegenberg | 1 Feb 64 | 31 May 82 |
| Soegel | 1 Jan 73 | 31 May 82 |
| Station Hohne, Bergen/Belsen | 1 Jul 79 | 31 May 82 |
| Stein | 1 Jun 66 | 31 May 82 |
| Thum Duren | 1 Jan 73 | 31 May 82 |
| Todendorf | 1 Feb 64 | |
| Treysa | 1 Oct 63 | 31 May 82 |
| Varrelbusch | 1 Feb 76 | 31 May 82 |
| Vorden | 1 Jul 69 | 31 May 82 |
| Wagenfeld | 1 Feb 76 | 31 May 82 |
| Waldbrol | 1 Jan 73 | 31 May 82 |
| Weiden | 1 Feb 64 | 31 May 82 |
| Weierhof | 1 Jan 65 | 31 May 82 |
| Werl-Westphalen | 1 Feb 64 | 31 May 82 |
| Westerburg | 1 Jan 68 | 31 May 82 |
| Westkirchen | 1 Jan 66 | 31 May 82 |
| Weyher | 1 Jan 73 | 31 May 82 |
| Wiesmoor | 1 Feb 76 | 31 May 82 |
| Woebeck | 1 Jan 65 | 31 May 82 |
| Ghana | 1 Oct 63 | |
| Gibraltar, B.C.C | 1 Feb 64 | |
| Grand Bahama Island (Bahamas) | 1 Oct 63 | |

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates | |
|---|---|---|
| | From | Through |
| Greece (except Athens including Hellenikon Airport—Formerly Athenia Apt) | 1 Oct 63 | 31 May 82 (See Greece entry below after 31 May 82) |
| Greece (except Nea Makri) | 1 Jun 82 | |
| Greenland | 1 Oct 63 | |
| Grenada | 1 Dec 83 | |
| Guam (Mariana Islands) | 1 Oct 63 | |
| Guatemala | 1 Oct 63 | 31 May 82 |
| Guatemala City | 1 May 84 | |
| Guinea: | | |
| Bissau | 1 Feb 79 | |
| Conarky | 1 Feb 79 | |
| Guyana | 1 Jul 73 | |
| Haiti | 1 Oct 63 | |
| Honduras | 1 Oct 63 | |
| Hungary | 1 Oct 63 | |
| Iceland | 1 Oct 63 | |
| India | 1 Oct 63 | |
| Indonesia | 1 Oct 63 | |
| Iran | 1 Oct 63 | |
| Ireland: | | |
| Londonderry | 1 Oct 63 | |
| Israel | 1 Oct 63 | |
| Italy: | | |
| Bovolone | 1 Oct 63 | 31 May 82 |
| Catron | 1 Oct 63 | 31 Jan 76 |
| Ceggia | 1 Oct 63 | 31 May 82 |
| Chioggia | 1 Oct 63 | 31 May 82 |
| Cima Gallina | 13 Apr 64 | |
| Codogne | 1 Oct 63 | 31 May 82 |
| Conselve | 1 Oct 63 | 31 May 82 |
| Cordovado | 1 Oct 63 | 31 May 82 |
| Finale Ligure | 1 Jul 73 | |
| Ghedi Torre | 26 May 64 | |
| La Maddalena (Sardinia) | 1 Jan 74 | |
| Martina Franca | 1 Jan 65 | |
| Mount Clavarina | 1 Oct 63 | 31 May 82 |
| Mount Cimone | 13 Apr 64 | |
| Mount Corna | 13 Apr 64 | |
| Mount Paganella | 13 Apr 64 | |
| Mount Venda | 13 Apr 64 | |
| Mount Vergine | 1 Jan 65 | |
| Oderzo | 1 Oct 63 | 31 May 82 |
| Portogruaro | 1 Oct 63 | 31 May 82 |
| Ravenna | 1 Feb 64 | 31 May 82 |

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates | |
|---|---|---|
| | From | Through |
| Reggio (Monte Nardello) | 1 Jan 65 | |
| Rimini | 1 Jan 65 | |
| San Vito (including Brindisi) | 22 Nov 63 | |
| Sciaves | 1 Jan 73 | |
| Sicily (Sigonella) (see Sicily entry below) | 1 Oct 63 | 30 Sep 82 |
| Sicily (Sigonella and Comiso) | 1 Oct 82 | |
| Verona Area (to include AFFI, Grezzana, and Verona itself) | 19 Jul 79 | 31 May 82 |
| Zello | 1 Oct 63 | 31 May 82 |
| Ivory Coast | 1 Oct 63 | |
| Jamaica: | | |
| Kingston | 1 Jan 70 | 31 May 82 |
| Japan: | | |
| Akizuki-Kire Area | 13 Apr 64 | |
| Fuji Maneuver Area | 1 Oct 63 | |
| Fukuoka | 1 Jul 80 | |
| Hokkaido Island (Chitose) | 1 Oct 63 | |
| Iwakuni | 1 Feb 64 | 31 May 82 |
| Kashiwa | 1 Jan 70 | |
| Kisarazu | 1 Jan 65 | 31 May 82 |
| Misawa | 1 Oct 63 | |
| Ryukyu Islands (includes Okino Erabu Shima and Okinawa) | 1 Oct 63 | 31 May 82 (See Ryukyu Islands entry below after 31 May 82) |
| Ryukyu Islands: | | |
| Kume-Shima only | 1 Jun 82 | |
| Seburiyama | 1 Jul 80 | |
| Johnston Island | 1 Oct 63 | |
| Jordan | 1 Oct 63 | |
| Kenya | 1 Oct 63 | |
| Korea | 1 Oct 63 | |
| Kuwait: | | |
| Kuwait City | 1 Jan 71 | |
| Kwajalein (Marshall Islands) | 1 Oct 63 | |
| Laos | 1 Oct 63 | |
| Lebanon | 1 Oct 63 | |
| Liberia | 1 Oct 63 | |
| Mahe Island (Seychelles Islands) | 1 Oct 63 | |
| Malagasy Republic | 1 Oct 63 | |
| Malawi | 1 Jan 66 | |
| Malaysia Federation | 1 Oct 63 | |
| Mali | 1 Oct 63 | |
| Malta | 1 Oct 63 | |

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates<br>From | <br>Through |
|---|---|---|
| Mariana Islands: | | |
| All areas except Guam and Saipan (see separate listing for Guam and Saipan) | 1 Jun 65 | |
| Maui (Hawaiian Islands) | 1 Jul 80 | 31 May 82 |
| Mauritania | 1 Jul 80 | 31 May 82 |
| Mauritius: | | |
| Port Louis | 1 Feb 79 | 31 May 82 |
| Port Louis | 1 May 84 | |
| Midway Islands | 1 Oct 63 | |
| Morocco | 1 Oct 63 | |
| Mozambique: | | |
| Maputo | 1 Feb 79 | 31 May 82 |
| Nepal | 1 Oct 63 | 31 May 82 |
| Nepal | 1 Dec 83 | |
| Netherlands: | | |
| Den Helder | 1 Mar 78 | 31 May 82 |
| Havelte | 1 Jan 73 | 31 May 82 |
| Hoek Van Holland | 1 Jan 73 | 31 May 82 |
| Hoogbuul (MR LOGAEUR BENELUX Activity) | 1 Mar 78 | 31 May 82 |
| Tilberg | 1 Jul 72 | 31 May 82 |
| T'Harde | 1 Oct 63 | 31 May 82 |
| Vokel | 1 Feb 64 | 31 May 82 |
| New Zealand: | | |
| Timaru | 1 Jan 73 | 31 May 82 |
| Woodburne RNZAF Station, Blenheim | 1 Jan 68 | 31 May 82 |
| Nicaragua | 1 Oct 63 | |
| Niger | 1 Jul 80 | |
| Nigeria | 1 Oct 63 | |
| Oman: | | |
| Muscat | 1 May 84 | |
| Thumrait | 1 Dec 83 | |
| Pakistan | 1 Oct 63 | |
| Panama | 1 Oct 63 | |
| Paraguay | 1 Oct 63 | |
| Peru | 1 Oct 63 | |
| Philippine Islands | 1 Oct 63 | |
| Phoenix Islands | 1 Jun 65 | |
| Poland | 1 Oct 63 | |
| Ponape (East Carolina Islands) | 1 Jan 82 | |
| Puerto Rico: | | |
| Culebra Island | 1 Jul 73 | 31 May 83 |
| Vieques Island | 1 Oct 63 | |
| Romania | 1 Oct 63 | |
| Rwanda: | | |
| Kigali | 1 Feb 79 | |
| Saipan (Mariana Islands) | 1 Oct 63 | |
| Samoa Islands | 1 Jun 65 | |
| Sardinia Island: | | |

| Designated Area | Effective Dates From | Effective Dates Through |
|---|---|---|
| Decimonannu | 1 Jul 72 | |
| Monte Limbara | 1 Jan 65 | |
| Saudi Arabia | 1 Oct 63 | |
| Scotland: | | |
| Edzell | 1 Oct 63 | 31 May 82 |
| Glen Douglas | 1 Jan 75 | 31 May 82 |
| Holy Loch Area (including Dunoon, Greenock, and Prestwick) | 1 Feb 64 | |
| Machrihanish | 1 Jun 67 | |
| RAF Mormond Hill | 1 Jan 68 | |
| Thurso | 1 Feb 64 | |
| Senegal | 1 Oct 63 | |
| Singapore | 1 Jan 66 | |
| Somali Republic | 1 Oct 63 | |
| South Africa, Republic of: | | |
| Capetown | 1 Feb 76 | 31 May 82 |
| Pretoria | 1 Jan 71 | 31 May 82 |
| Spain: | | |
| Balearic Islands | 22 Nov 63 | |
| Cartagena | 1 Oct 63 | |
| Elizondo (Including Gorramendi CMF) | 22 Nov 63 | |
| Estaca De Vares | 1 Jan 74 | |
| Guardamar del Segura | 6 Jul 77 | |
| Inoges | 22 Nov 63 | 31 May 82 |
| Moron AB | 1 Jan 80 | |
| Sonseca | 1 Oct 63 | |
| Sudan | 1 Oct 63 | |
| Suriname | 1 Dec 83 | |
| Swaziland: | | |
| Mbabane | 1 Feb 79 | 31 May 82 |
| Syria: | | |
| Damascus | 1 Feb 77 | 31 May 82 |
| Damascus | 1 Jan 84 | |
| Taiwan | 1 Oct 63 | |
| Tanzania: | | |
| Dar Es Salaam | 6 Jul 77 | |
| Thailand | 1 Oct 63 | |
| Togo | 1 Jul 80 | |
| Truk Atol (Caroline Islands) | 1 Jul 80 | |
| Tunisia | 1 Oct 63 | |
| Turkey | 1 Oct 63 | |
| Turks and Caicos Islands | 1 Oct 63 | |
| Uganda | 1 Jul 73 | |
| United Arab Emirates: | | |
| Abu Dhabi | 1 May 84 | |
| Upper Volta | 1 Jul 80 | |
| Uruguay | 1 Feb 64 | 31 May 82 |
| U.S.S.R. | 1 Oct 63 | |
| Venezuela | 1 Oct 63 | |

## FOREIGN DUTY PAY AREAS—Continued

| Designated Area | Effective Dates From | Effective Dates Through |
|---|---|---|
| Vietnam | 1 Oct 63 | |
| Wake Island | 1 Oct 63 | |
| Wales: | | |
| Brawdy | 1 Feb 76 | |
| Yemen, Arab Republic of | 1 Feb 76 | |
| Yugoslavia | 1 Oct 63 | |
| Zaire: | | |
| Kinshasa | 1 Feb 64 | |
| Zambia: | | |
| Lusaka | 1 Jul 78 | |
| Zimbabwe: | | |
| Harare (formerly Salisbury) | 1 Jul 81 | |

TABLE 1-6-1

FOREIGN DUTY PAY—CONDITIONS OF ENTITLEMENT

| R U L E | A | B | C |
|---|---|---|---|
| | **When enlisted member** | **and** | **then foreign duty pay** |
| ★1 | arrives at permanent duty station listed in paragraph 10605 | | starts on day of arrival for duty (note 1) |
| 2 | departs PCS from foreign duty station | | continues through day of departure |
| 3 | is discharged | immediately reenlists at the same foreign duty station | continues to accrue |
| ★4 | is permanently assigned to duty at place designated in paragraph 10605 | is hospitalized, on authorized leave, operational flight, TDY, or TAD at that place | |
| 5 | | is on authorized leave away from that place | continues for first 30 days |
| 6 | | is on operational flight, TDY, TAD, or hospitalized at a nondesignated place (note 4) | |
| 7 | | is on TDY, TAD (including hospitalization) or on operational flight at one or more designated places | continues to accrue (note 2) |

TABLE 1-6-1—Continued

| RULE | A | B | C |
|---|---|---|---|
| | **When enlisted member** | **and** | **then foreign duty pay** |
| 8 | not permanently assigned to designated foreign duty station | is on TDY, TAD (including hospitalization) or on operational flight at one or more designated places | accrues if continuous period of 8 days or more occurs (including date of arrival and date of departure). Absences from a designated place of less than 24 hours does not break continuity |
| 9 | is in confinement awaiting trial by court-martial | is acquitted or charges dismissed | accrues retroactive to first day of confinement |
| 10 | | is convicted | does not accrue from first day of confinement until date restored to full duty (note 3) |
| 11 | is confined as result of court-martial sentence | period scheduled is more than 90 days (note 5) | |
| 12 | is receiving career sea pay | | does not accrue |
| ★13 | is assigned to and serving in a ship whose primary mission is accomplished in port and such ship is homeported in an area listed in paragraph 10605 | is not entitled to career sea pay | accrues from date of reporting to the ship and continues or terminates under the same conditions enumerated in this table (note 5) |

NOTES:

1. If already at place designated a foreign duty area, the pay starts on day of designation.

2. If period of absence from permanent duty station exceeds 30 days and member is then ordered to duty at another designated place, foreign duty pay accrues only when member remains there for 8 continuous days or more (including date of arrival and date of departure.) Absences from a designated place of less than 24 hours do not break continuity.

3. Nonjudicial punishment does not result in loss of foreign duty pay.

4. Rule 2 applies when a Medical Evacuee has been reassigned on PCS from the designated place for medical treatment.

5. When a ship's homeport is first assigned or changed, foreign duty pay accrues from the date of ship's arrival at the homeport which qualifies a member for such pay and terminates on date of ship's departure for new homeport.

# CHAPTER 7

# SPECIAL PAY—SEA DUTY

## SECTION A—CAREER SEA PAY

### ★10701. Entitlement

Effective 1 Jan 1981, a member entitled to basic pay who is in pay grade E-4 or above may be entitled to career sea pay for sea duty as defined in paragraph 10703.

### 10702. Conditions of Entitlement

See table 1-7-1.

### 10703. Definitions

Sea duty, for the purpose of entitlement to career sea pay, is service performed by a member under orders issued by competent authority:

a. While permanently assigned for duty to a ship, ship-based staff, or ship-based aviation unit and serving in a ship whose primary mission is accomplished underway, including periods not to exceed the first 30 consecutive days each while on temporary additional duty ashore.

b. While temporarily assigned for duty to a vessel, ship-based staff, or ship-based aviation unit and serving in a ship whose primary mission is accomplished underway.

c. While permanently or temporarily assigned for duty to a vessel or ship-based staff and serving in a ship whose primary mission is accomplished in port, but only during that period while the ship is away from its home port for 30 consecutive days or more. A ship is considered away from its home port whenever it is at sea, or it is in port that is more than 50 miles away from the home port.

★d. While serving as a member of the off crew of a two-crewed submarine (effective 14 Oct 1981).

e. The word "vessel" or "ship" shall mean a self-propelled vessel in an active status, in commission or in-service.

### 10704. Rates

a. The monthly rates of career sea pay for commissioned officers are in table 1-7-2.

b. The monthly rates of career sea pay for warrant officers are in table 1-7-3.

c. The monthly rates of career sea pay for enlisted members are in table 1-7-4.

### 10705. Restrictions on Payments

a. **Passenger and Travel Status.** Do not pay career sea pay to members en route to and from ships outside the CONUS, or on board a ship for transportation, regardless of the length of the period. This restriction applies for the period prior to a member reporting for permanent duty and after being permanently detached from duty on board a ship.

b. **Midshipmen, Aviation Cadets, and Academy Cadets.** Career sea pay is not payable to midshipmen, aviation cadets, or academy cadets.

### 10706. Status of Vessels (Navy)

The status of each Naval vessel or craft is designated by the Chief of Naval Operations in accordance with and as defined by Art. 0305, Navy Regulations. When doubt exists as to the status of a vessel or craft for a particular period or when the nature of employment is not known, forward a request for determination of entitlement to career sea pay to the Comptroller of the Navy via the Chief of Naval Personnel.

## SECTION B—CAREER SEA PAY PREMIUM

### 10711. Entitlement

A member who is entitled to career sea pay and has served 36 consecutive months of sea duty is entitled to a monthly career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by such member.

### 10712. Rate Payable

The monthly rate of career sea pay premium is $100.

### 10713. Computation of Consecutive Months of Sea Duty

The computation of consecutive months of sea duty is under regulations prescribed by the Secretary concerned.

TABLE 1-7-1

## CAREER SEA PAY—CONDITIONS OF ENTITLEMENT

| RULE | A | B | | C | D |
|---|---|---|---|---|---|
| | | and is serving in a ship whose primary mission is accomplished | | | |
| | When an eligible member | underway | in port | and | then career sea pay |
| 1 | reports for permanent duty defined as sea duty | X | | | starts on date of reporting. |
| 2 | | | X | member is on board when ship departs from homeport | accrues from departure date after ship has been away from homeport for 30 consecutive days. |
| 3 | | | X | member reports on board while ship is away from homeport | accrues from day of reporting after the ship has been away from homeport for 30 consecutive days. |
| 4 | is detached from permanent duty defined as sea duty | X | X | | terminates on date of detachment provided member is otherwise entitled on that date. |
| 5 | is discharged while on sea duty | X | X | immediately reenlists on board | continues to accrue provided member is otherwise entitled. |
| 6 | on sea duty is entitled to career sea pay | | X | ship returns to homeport | accrues through the date prior to ship's return to homeport. |

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| 7 | on sea duty | X |  | is on TDY, TAD, temporarily based ashore under orders, or hospitalized ashore (note 1) | accrues during the first 30 days member is in such status. |
| 8 |  |  | X |  | accrues during the first 30 days member is in such status provided member is otherwise entitled and ship remains away from its homeport (note 2). |
| 9 | on sea duty is on authorized leave | X | X |  | accrues for the period of leave if otherwise entitled. |
| 10 | who is based on or stationed ashore | X |  | the type of duty is TAD or TDY | accrues from date of reporting through date of detachment (note 3). |
| 11 |  |  | X |  | accrues as indicated in rules 2 and 3, as applicable, and terminates as indicated in rule 6 or date detachment if ship remains away from homeport. |
| ★12 | is suspended or otherwise removed from duty or confined awaiting trial by court-martial | X | X | is acquitted or charges are dismissed | accrues retroactively from first day of confinement, suspension, or removal from duty, provided member is otherwise entitled. |

TABLE 1-7-1—Continued

CAREER SEA PAY—CONDITIONS OF ENTITLEMENT

| R U L E | A | B | | C | D |
|---|---|---|---|---|---|
| | | and is serving in a ship whose primary mission is accomplished | | | |
| | When an eligible member | underway | in port | and | then career sea pay |
| 13 | is suspended or otherwise removed from duty or confined awaiting trial by court-martial | X | X | is convicted | does not accrue beginning first day of confinement, suspension, or removal from duty through date prior to day of return to duty from any status above (note 4). |
| 14 | is confined as a result of court-martial | | | | does not accrue beginning first day of confinement through date prior to date of release from confinement (note 4). |
| 15 | is permanently or temporarily assigned to duty on a ship which is undergoing alterations or repairs | X | X (note 5) | ship remains in an active status (incommission or inservice (note 6) | continues to accrue. |
| 16 | is permanently or temporarily assigned to duty on a ship undergoing inactivation processing | X | X | | stops when the ship reverts to inactive status. |

| | | | | |
|---|---|---|---|---|
| *17 | is assigned to an FMF unit based on or stationed ashore | X | the type of duty is TAD or TDY | accrues from the date of embarkation through the date of debarkation (note 3). |

NOTES:

1. Temporarily based ashore refers to a ship-based aviation unit or ship-based staff that has landed ashore with intent to return to a ship.
2. Entitlement terminates in accordance with rule 6 if the ship returns to the homeport during the first 30 days member is in the status shown in column C, rule 8.
3. Further TAD/TDY ashore from ship will not interrupt career sea pay entitlement for the first 30 days member is in such status provided member is otherwise entitled and returns to the ship.
4. Where sentence is changed to restriction to ship and member performs duty, career sea pay is resumed. Nonjudicial punishment does not result in loss of career sea pay.
5. Entitlement accrues only when the ship is away from the homeport for 30 consecutive days.
6. OPNAVINST 5700.8 series defines ship status assignments for USN ships.

**TABLE 1-7-2**

**MONTHLY CAREER SEA DUTY PAY RATES—COMMISSIONED OFFICERS—EFFECTIVE 1 JAN 1981**

|  | Years of Sea Duty |  |  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|
| **Pay Grade** | **Over 3** | **Over 4** | **Over 5** | **Over 6** | **Over 7** | **Over 8** | **Over 9** | **Over 10** | **Over 11** | **Over 12** |
| 0-1 (note) | $150 | $160 | $185 | $190 | $195 | $205 | $215 | $225 | $225 | $240 |
| 0-2 (note) | 150 | 160 | 185 | 190 | 195 | 205 | 215 | 225 | 225 | 240 |
| 0-3 | 150 | 160 | 185 | 190 | 195 | 205 | 215 | 225 | 225 | 240 |
| 0-4 | 185 | 190 | 200 | 205 | 215 | 215 | 220 | 225 | 225 | 240 |
| 0-5 | 225 | 225 | 225 | 225 | 230 | 245 | 250 | 260 | 265 | 265 |
| 0-6 | 225 | 230 | 230 | 240 | 255 | 265 | 280 | 290 | 300 | 310 |

NOTE:
Commissioned officers with at least 4 years of active service as enlisted members or as noncommissioned warrant officers.

**TABLE 1-7-3**

**MONTHLY CAREER SEA DUTY PAY RATES—WARRANT OFFICERS—EFFECTIVE 1 JAN 1981**

| Pay Grade | Years of Sea Duty | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 or Less | Over 1 | Over 2 | Over 3 | Over 4 | Over 5 | Over 6 | Over 7 | Over 8 | Over 9 | Over 10 | Over 11 | Over 12 |
| W-1 | $130 | $135 | $140 | $150 | $170 | $175 | $200 | $250 | $270 | $275 | $280 | $290 | $300 |
| W-2 | 150 | 150 | 150 | 150 | 170 | 260 | 265 | 265 | 270 | 275 | 280 | 290 | 310 |
| W-3 | 150 | 150 | 150 | 150 | 170 | 270 | 280 | 285 | 290 | 300 | 310 | 310 | 310 |
| W-4 | 150 | 150 | 150 | 150 | 170 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 310 |

**★ TABLE 1-7-4**

**MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE 1 Oct 1984**

| | Years of Sea Duty | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Pay Grade** | **1 or Less** | **Over 1** | **Over 2** | **Over 3** | **Over 4** | **Over 5** | **Over 6** | **Over 7** | **Over 8** | **Over 9** | **Over 10** | **Over 11** | **Over 12** |
| E-4 | $ 50 | $ 60 | $125 | $160 | $175 | $175 | $175 | $175 | $175 | $175 | $175 | $175 | $175 |
| E-5 | 60 | 70 | 140 | 175 | 185 | 190 | 205 | 220 | 220 | 220 | 220 | 220 | 220 |
| E-6 | 125 | 135 | 170 | 190 | 210 | 215 | 225 | 235 | 245 | 255 | 255 | 255 | 255 |
| E-7 | 135 | 145 | 215 | 235 | 255 | 260 | 265 | 265 | 270 | 275 | 280 | 300 | 310 |
| E-8 | 165 | 180 | 225 | 255 | 265 | 270 | 280 | 285 | 290 | 300 | 310 | 310 | 310 |
| E-9 | 175 | 195 | 235 | 265 | 280 | 290 | 310 | 310 | 310 | 310 | 310 | 310 | 310 |
| **Pay Grade** | **Over 13** | **Over 14** | **Over 16** | **Over 18** | | | | | | | | | |
| E-4 | 175 | 175 | 175 | 175 | | | | | | | | | |
| E-5 | 220 | 220 | 220 | 220 | | | | | | | | | |
| E-6 | 295 | 310 | 325 | 340 | | | | | | | | | |
| E-7 | 330 | 350 | 370 | 390 | | | | | | | | | |
| E-8 | 340 | 360 | 380 | 400 | | | | | | | | | |
| E-9 | 370 | 390 | 410 | 410 | | | | | | | | | |

# CHAPTER 8

# SPECIAL PAY—PROFICIENCY PAY—ENLISTED MEMBERS

## SECTION A—ENTITLEMENT PROVISIONS AND POLICY

### 10801. Entitlement Provisions

Enlisted members entitled to basic pay and proficient in a designated military skill may qualify for proficiency pay with the exception of the members occupying the grade E-9 positions listed in note 2, table 1-2-8. If so, they can receive proficiency pay in addition to any other pay and allowances, special, or incentive pay, to which they are entitled. Proficiency pay will be awarded as instructed in the administrative regulations of the service concerned.

### 10802. Definitions

**a. Proficiency Pay.** A monthly amount of pay awarded to an enlisted member designated as being proficient in a military skill.

**b. Military Skill.** An element of the enlisted classification structure (MOS, AFS, Rating, NEC, Special Duty Identifier, Career Field Subdivision, Career Management Field, Occupational Field, and so forth, as appropriate to the Military Service concerned) that identifies a group of closely related positions on the basis of the similarity of the duties involved. It identifies the individuals who have the ability, knowledge, and other occupational qualifications required for effective performance in such positions.

**c. Military Specialty.** A category of military skill used as a primary identifier for qualified individuals. A military specialty (1) provides occupational standards for procurement, training, classification, assignment, and career development (2) identifies military skills possessing such a close relationship that a degree of interchangeability exists between persons assigned to the military specialty; and (3) provides a normal career progression pattern for individuals within that military skill.

**d. Special Duty.** A category of military skill used only as a secondary or additional identifier for qualified individuals performing an actual group of tasks on a temporary or semipermanent duty basis. These duties are unrelated to any specific military specialty and are neither designed nor intended for a normal career progression pattern. Individuals are awarded a special duty identifier only for the purpose of assignment to a specific special duty position.

**e. Continuous Active Service.** Active Federal military service exclusive of active duty for training, without a break in service of more than 3 months as computed in paragraph 10921c of this manual.

**f. Career Personnel:**

(1) Members of the Army, Marine Corps, and Air Force on second or subsequent terms of active duty enlisted service and first term personnel who are serving in an enlistment, an enlistment as extended, or an extension of enlistment that will total 6 or more years of active service.

(2) Members of the Navy on second or subsequent terms of active duty enlisted service and first term personnel who are serving in an enlistment, an enlistment as extended, or an extension of enlistment that will total 7 or more years of active service.

### 10803. Types of Proficiency Pay Authorized

Two types of proficiency pay are authorized. They are:

**a. Shortage Specialty (Proficiency Pay).** A monthly amount of pay in addition to any pay and allowances to which member is otherwise entitled that may be awarded to an eligible enlisted member in a designated military specialty.

**b. Special Duty Assignment (Proficiency Pay).** A monthly amount of pay in addition to any pay and allowances to which member otherwise entitled that may be awarded to an eligible enlisted member in a designated special duty assignment.

### 10804. Retired and Reserve Personnel

Retired members, Navy/Marine Corps Fleet Reserve members, and members of other Reserve components, may be awarded proficiency pay when they are on extended active duty beyond obligated periods of active service. As an exception, enlisted members of the Reserve components may be entitled to special duty assignment proficiency pay if serving on active duty for training for periods of 180 days or more.

### 10805. Proficiency Ratings and Maximum Monthly Rates

The proficiency ratings authorized are P-1, P-2, and P-3. The maximum rates of proficiency pay prescribed are $50 for P-1; $100 for P-2; and $150 for P-3. Subject to prior approval by the Secretary of Defense, the Secretary of the service concerned determines the amount of proficiency pay for each proficiency rating. The specific current monthly proficiency pay rates authorized are prescribed in the applicable regulations of the service concerned.

### 10806. Designation of Military Specialties

Subject to approval by the Secretary of Defense, military specialties for proficiency pay are designated by the Secretary for each military department. The criteria for designation of military specialties are in DODD 1340.21, 21 Apr 1982.

## SECTION B—CONDITIONS OF ENTITLEMENT

### 10811. Date to Start Proficiency Pay

Members who meet the requirements in table 1-8-1 may be awarded a proficiency pay rating under procedures in regulations of the service concerned.

### 10812. Conditions Affecting Entitlement to Proficiency Pay

a. Conditions affecting entitlement to proficiency pay which are common to all services, and their effect upon proficiency pay, are shown in table 1-8-2.

b. Detailed instructions on maintenance, retention, and termination of proficiency pay status are specified in regulations issued by the Secretary of each military department. These regulations are:

(1) AR 600-200.
(2) NGR 600-200.
(3) OPNAVINST 1160.2 Series.
(4) MCO 7220.12 Series.
(5) AFR 39-45.

### 10813. Date to Stop Proficiency Pay

Table 1-8-2 tells how to determine the last day on which proficiency pay accrues to a member. Stop proficiency pay on the date shown in this table, unless an earlier date is specified in the order terminating proficiency pay status.

### 10814. Effect of Proficiency Pay on Other Computations

Proficiency pay is not an item of basic pay or an allowance. Therefore, do not use it in computing lump-sum leave payments, reenlistment bonus, or severance pay. Include it in computing death gratuity.

### 10815. Collection of Erroneous Payments

Collect from a member when a purported proficiency rating assignment is revoked because the assignment was made without original basis of authority.

### 10816. Removal From Proficiency Rating Without Original Basis of Authority

Service administrative regulations allow certain authorities to revoke orders which removed a member from proficiency rating if the removal was without original basis of authority. When orders are so revoked, the member is entitled to proficiency pay for the entire period involved (if otherwise qualified to receive proficiency pay).

### 10817. Tax

Proficiency pay is subject to withholding of income tax. It is not subject to withholding of FICA taxes.

**★TABLE 1-8-1**

## ELIGIBILITY REQUIREMENTS FOR PROFICIENCY PAY

| R U L E | A<br>When an enlisted member | B<br>and | C<br>then |
|---|---|---|---|
| 1 | is on active duty (other than for training as a reservist) in a pay status; has completed a minimum of 21 months of active service, other than active duty for training (note 1); is a career member (para 10802f) (note 2); is serving in pay grade E-3 (note 3) or higher; is qualified and serving in a designated military specialty; has a minimum of 6 months' continuous active service immediately before award of proficiency pay (para 10802e) (note 4); and is not receiving proficiency pay of another type. | meets other conditions of eligibility as prescribed by the secretary of the military department. | member may be awarded Shortage Specialty (Proficiency Pay) |
| 2 | is on active duty or active duty for training for periods of 180 days or more and in a pay status; is serving in pay grade E-3 or higher; is qualified for and serving in the designated special duty assignment; and is not receiving proficiency pay of another type. | | member may be awarded Special Duty Assignment (Proficiency Pay) |

**NOTES:**

1. The 21-month limitation does not apply to a reservist ordered to EAD who has completed service obligation under Section 651, Title 10, U.S.C.
2. The requirement to be a career member does not apply to a member of the Reserve Components ordered to active duty.
3. E-4 is the minimum pay grade for Navy members.
4. The requirement for completion of 6 months' continuous active service immediately before award of proficiency pay may be waived for members of Reserve Components ordered to EAD, if after entry on active duty they meet the standards for the specialty to which assigned (see chapter 8, part 1).

**★Table 1-8-2**

**CONDITIONS AFFECTING ENTITLEMENT TO PROFICIENCY PAY**

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **When a member receiving proficiency pay** | **and, the type proficiency pay is** | **and** | **then proficiency pay status** | **and entitlement to proficiency pay** |
| 1 | has proficiency pay rating withdrawn for any reason | Shortage Specialty or Special Duty Assignment | | is withdrawn | continues through the date stated in the order withdrawing the proficiency pay rating |
| 2 | Fails to maintain the minimum level of qualification required for satisfactory performance in the military skill | | | continues | stops on the date established by the authority determining the level of qualification does not meet established standards (note 1) |
| 3 | is discharged or relieved from active duty | | does not reenlist within 24 hours | is withdrawn on date of discharge | continues through the date of discharge (note 2) |
| 4 | is confined | | confinement is result of court-martial sentence or non-judicial punishment. | will be withdrawn on the date of approval of court-martial sentence or date of confinement resulting from nonjudicial punishment. | continues through the day prior to the date of approval of the courtmartial sentence or the day prior to the date of confinement resulting from non-judicial punishment |

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| 5 | is AWOL |  |  | continues | stops during all of AWOL |
| 6 | is reported in a missing status |  |  | continues (note 3) | continues |
| 7 | is in a patient status, including convalescent leave |  | patient status is due to disease resulting from intemperate use of alcohol or habit-forming drugs | continues | stops while member is in a patient status or convalescent leave status |
| 8 |  |  | patient status is not due to disease resulting from intemperate use of alcohol or habit-forming drugs, but exists for more than 12 months | will be withdrawn on the first day of the 13th, month when a patient status continues to exist (note 3) | continues through the last day of the 12th month |
| 9 | is demoted |  | grade to which reduced is below that for which proficiency pay is authorized | will be withdrawn on the date of demotion | continues through the day prior to the date of demotion |
| 10 | is on temporary duty or temporary additional duty |  | is not performing duties requiring use of skills on which the proficiency pay is based | continues for not more than 90 days | continues through 90th day of TDY or TAD |
| 11 |  |  | is performing duties requiring use of the skills on which the proficiency pay is based | continues during entire period of TDY or TAD | continues through entire period of TDY or TAD |

Table 1-8-2—Continued

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | When a member receiving proficiency pay - | and, the type proficiency pay is | and | then proficiency pay status | and entitlement to proficiency pay |
| 12 | is reassigned (PCS or PCA without PCS) or detailed to duty not requiring use of skills on which proficiency pay is based | Shortage Specialty | commanding officer determines the reassignment or detail is permanent (over 90 days) | is terminated on the date of reporting to the new assignment or detail | continues through the day before the date member arrives at the new duty station |
| 13 | | | commanding officer determines the reassignment will be less than 90 days, but it exceeds 90 days. | is terminated on the 91st day of the reassignment or detail | continues through the 90th day of the detail or reassignment. |
| 14 | | Special Duty Assignment | commanding officer determines the reassignment or detail is permanent (over 90 days) | is withdrawn on date of departure from special duty assignment | continues through the day prior to the date of departure from special duty assignment |
| 15 | | | commanding officer determines the reassignment will be less than 90 days, but it exceeds 90 days | is terminated on the 91st day of the reassignment or detail | continues through the 90th day of the detail or reassignment |

| | | | | | |
|---|---|---|---|---|---|
| 16 | enters retraining status | Shortage Specialty | the military skill into which member is retraining is designated for Shortage Specialty proficiency pay | continues | will be at the current award level in the member's prior skill or the award level in the skill into which retraining, whichever is lower |
| 17 | | | the military skill into which member is retraining is not designated for Shortage Specialty proficiency pay | is withdrawn | continues through the day prior to the date member enters retrain status |
| 18 | | Special Duty Assignment | | | |
| 19 | is reclassified out of the military skill on which the proficiency pay is based | Shortage Specialty | the military skill to which reclassified is not designated for an award of Shortage Specialty proficiency pay | is withdrawn on the date of reclassification | continues through the day prior to the date of reclassification |
| 20 | | Special Duty Assignment | | | |
| 21 | is attending a course of instruction | Shortage Specialty or Special Duty Assignment | the course of instruction is directly related to the military skill on which the proficiency pay is based or is necessary to qualify the member for a special assignment in the military skill | continues | continues |

Table 1-8-2—Continued

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | When a member receiving proficiency pay | and, the type proficiency pay is | and | then proficiency pay status | and entitlement to proficiency pay |
| 22 | | | the course of instruction is not directly related to the military skill on which the proficiency pay is based or is not necessary to qualify the member for a special assignment in the military skill, but the member will be reassigned to the military skill on which the pay is based upon completion of the training | continues for no more than 90 days | continues through the 90th day |
| 23 | | | the course of instruction is not directly related to the military skill on which the proficiency pay is based or is not necessary to qualify the member for a special assignment in the military skill and the member will not be reassigned to the military skill on which the pay is based upon completion of the training | is withdrawn on the date of departure for training | continues through the date of departure for training |

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| 24 |  |  | The course of instruction leads to commission or warrant officer status | is withdrawn | stops on the date of departure for entry into training |

**NOTES:**

1. A member must serve a requalification period of 6 months to reestablish entitlement to proficiency pay terminated under this provision.
2. If a Navy member fails to reenlist on board, proficiency pay continues through date of discharge or release from active duty or on the date of transfer for separation from active service, whichever is earlier.
3. Proficiency pay may be awarded, withdrawn, increased or decreased while member, otherwise eligible, is in a patient or missing status.

# CHAPTER 9

## SPECIAL PAY—ENLISTMENT AND REENLISTMENT BONUS—ENLISTED MEMBERS

SECTION A—ENLISTMENT BONUS

### 10901. Basic Condition of Entitlement

An enlistment bonus may be paid to an enlistee when an enlistee meets the following conditions:

a. Enlists for a period of 4 years or more for the purpose of qualifying and serving in a military specialty designated as critical, as specified by the Secretary of the military department concerned.

b. Is one of the following:

(1) Non-Prior Service Enlistee. This term applies to a person who has never served or has served less than 180 days on active duty as a member of the armed forces. A nonprior service enlistee who has received an enlistment bonus under the Selected Reserve Incentive Program (SRIP) retains eligibility for the regular component enlistment bonus under this section if other eligibility criteria are met; or

(2) Prior-Service enlistee who has not previously received an enlistment or reenlistment bonus or who is not currently entitled to a reenlistment bonus; or

★(3) Reservist not on active duty who enlists in the regular component of the service concerned and has not previously received an enlistment or reenlistment bonus or is not currently entitled to a reenlistment bonus.

(A Reservist who has received an enlistment or reenlistment bonus under the Selected Reserve Incentive Program (SRIP) retains eligibility for the regular component enlistment bonus if the Reservist meets all other eligibility criteria in the paragraph).

c. Is not a Delayed Entry Program Reservist currently obligated to any other military service.

d. Qualifies for award of one of the designated military specialties.

e. Meets such additional eligibility criteria as may be prescribed by the Secretary of the military department concerned.

### 10902. Amount of the Enlistment Bonus

The enlistment bonus is an amount prescribed by the Secretary of Defense, but not more than $8,000.

### 10903. Time of Payment.

An enlistment bonus may be paid upon completion of training and award of the designated military speciality in periodic installments, as determined by the appropriate secretary, except that the first installment may not exceed $5,000 and the remainder shall be paid in equal periodic installments which may not be paid less frequently than once every three months.

Prior service enlistees who require formal training of 30 days or more may be paid their enlistment bonus upon completion of that formal training. Prior service enlistees who do not require military specialty training may not receive payment earlier than 30 days after arrival at the first permanent duty station following reentry on active duty.

### 10904. Reduction and Termination of Award

When a military specialty is designated for reduction or termination of award, an effective date for reduction or termination of awards is established and announced at least 30 days in advance. All awards on or after that effective date in military specialties designated for reduction or termination of award level are at the bonus level contracted on the date of enlistment.

### 10905. Determinations Affecting Enlistment Bonus Payments

When a member enlists in a Reserve component under the Delayed Enlistment Program (DEP) with a concurrent commitment to serve in a regular component for a period of at least 4 years in a skill designated as critical, the award level of the enlistment bonus is fixed on the date of enlistment in the DEP, rather than on the date of entry on active duty.

## SECTION B—SELECTIVE REENLISTMENT BONUS (SRB) (37 U.S.C. 308)

### 10911. Reenlistment Zones

Three zones of consideration are established. Zone A is composed of those reenlistments falling between 21 months and 6 years of active service. Zones B and C are composed of those reenlistments or extensions falling between 6 and 14 years of active service.

**a. General Eligibility.** Enlisted members are eligible to receive a selective reenlistment bonus (SRB) if they meet all of the following conditions and the conditions of Zone A, or Zone B, or Zone C eligibility.

(1) Are qualified in a military specialty designated by the Secretary of the military department concerned for award of the SRB;

(2) Are serving in pay grade E-3 or higher;

(3) Reenlist within 3 months (or within a lesser period if so prescribed by the Secretary of the military department concerned) after the date of their discharge or release from compulsory or voluntary active duty (other than for training) (see paragraph 10921c for computation of 3-month period); or extend their enlistment; or enlist in a regular component within 3 months (or within a lesser period if so prescribed by the Secretary of the military department concerned) after the date of discharge or release from active duty (other than active duty for training) as a member of a reserve component. Veterans with more than a 3-month but less than a 4-year break in active duty may qualify for a broken service Selective Reenlistment Bonus Program in accordance with regulations prescribed by the Secretary of the military department concerned.

(4) Attain eligibility before the effective date of termination of awards in any military specialty designated for termination of the award. (Members must attain eligibility before the effective date of a reduction of award level to be eligible for the higher award level. Eligibility attained through any modification of an existing service obligation, including any early discharge granted under 10 USC 1171, must have been attained before the effective date of the termination or reduction of award in the military specialty); and

(5) Meet such additional eligibility criteria as may be prescribed by the Secretary of the military department concerned.

(6) An exception to (1) and (4) above is available to members who agree to train and reenlist for service in a military specialty which, at the time the agreement is executed, is designated by the service concerned for award of the SRB. Upon completion of qualification training and reenlistment in the specialty in which trained, if otherwise qualified, the member may be paid the bonus even if that specialty is no longer designated for award of the SRB. The bonus may be paid at the award level in effect at the time the agreement to train is executed or the award level in effect at the time of reenlistment, whichever is higher.

**b. Zone A Eligibility.** The enlisted member must:

(1) Have completed at least 21 months of continuous active duty (other than active duty for training as a Reserve) but no more than 6 years of active duty on the date of reenlistment or beginning of an extension of enlistment. Continuous active duty is active Federal military service (other than active duty for training as a Reserve), without a break in service of more than 3 months. A break in service of less than 3 months is considered continuous active duty; however, the actual period of the break in service is not included in the computation of continuous active duty.

(2) Reenlist or voluntarily extend an enlistment in the regular component of the service concerned for a period of at least 3 years provided the reenlistment or extension, when coupled with existing active service, provides a total period of active service of at least 6 years.

(3) Not have previously received a Zone A SRB.

(4) Except for members serving in the Navy 6-YO Program, not have previously received a Variable Reenlistment Bonus (VRB).

**c. Zone B Eligibility.** The enlisted member must:

(1) Have completed at least 6 but no more than 10 years of active duty on the date of reenlistment or beginning of an extension of enlistment.

(2) Reenlist or voluntarily extend an enlistment in the regular component of the service concerned for a period of at least 3 years provided the reenlistment or extension, when coupled with existing active service, provides a total period of active service of at least 10 years.

(3) Not have previously received a Zone B SRB.

**d. Zone C Eligibility.** Enlisted members must:

(1) Have completed at least 10 but no more than 14 years of active duty on the date of reenlistment or beginning of an extention of enlistment.

(2) Reenlist or voluntarily extend enlistment in the regular component of the service concerned for a period of at least 3 years, provided the reenlistment or extension, when coupled with existing active service, provides a total period of active duty of at least 14 years.

(3) Not have previously received a Zone C SRB.

**e. Special Conditions:**

(1) Members with exactly 6 years of active duty on the date of reenlistment or beginning of an extension of enlistment are entitled to a Zone A bonus if otherwise eligible and they have not previously received a Zone A bonus. If members have received a Zone A SRB or no Zone A bonus is designated, they are entitled to a Zone B bonus if all other eligibility requirements are met. Members with exactly 10 years of active duty on the date of reenlistment or beginning of an extension of enlistment are entitled to a Zone B bonus if otherwise eligible and they have not previously received a Zone B bonus. If they have received a Zone B bonus or no Zone B bonus is designated, they are entitled to a Zone C bonus if all other eligibility requirements are met. Members with exactly 14 years of active duty on the date before the date of reenlistment or beginning of an extension of enlistment will be entitled to a Zone C bonus if otherwise eligible.

(2) Two or more extensions may not be combined to gain entitlement to an SRB. Additionally, entitlement gained through an extension cannot be increased by future extensions.

(3) Any period of enlistment, including an extension of an enlistment:

(a) Which is incurred by a member for the purpose of continuing to qualify for continuous monthly submarine duty pay under part two, chapter 2, section B, DODPM; and

(b) For which no bonus is otherwise payable under this section, may, under regulations prescribed by the Secretary of the Navy, be considered as part of an immediately subsequent term of reenlistment, or as a part of an immediately subsequent voluntary extension of an enlistment, for the purpose of determining eligibility for a bonus under this section and for the purpose of computing the amount of such bonus.

(4) Members who reenlist or extend to gain sufficient obligated service to participate in a program leading to a commissioned or warrant officer status are not entitled to an SRB.

(5) Officers of uniformed services who reenlist in the service concerned within 3 months after their release from active duty as an officer are entitled to an SRB provided they served on active duty as an enlisted member in that service immediately before serving as an officer and meet all other eligibility criteria. Pay grade for bonus computation is the grade of reenlistment.

(6) Members who are entitled to or have been paid a readjustment pay or severance pay are not eligible to receive an SRB.

(7) The SRB is not payable for an enlistment in a regular component, following a discharge from a Reserve component, during or at the completion of the period of active duty for training.

(8) A member who is also eligible for the Regular Reenlistment Bonus is paid either bonus, whichever the member elects (see paragraph 10923b).

(9) Members receiving Nuclear Petty Officer Continuation Pay are not eligible to receive an SRB.

## 10912. Amount of Payment

Bonus payments are based on multiples, not to exceed six, of the member's monthly basic pay at the time of discharge, release from active duty, or the day before beginning of extension, multiplied by years of additional obligated service.

**a. Additional Obligated Service:**

(1) Additional obligated service is defined as any active service commitment beyond an existing contractual service agreement. Existing contractual service agreements include enlistments, extensions of enlistment, enlistment as extended, and reenlistments. However, members who entered into an extension agreement before 10 May 1974, and who cancel the extension before it becomes operative to immediately reenlist for a period of at least 2 years beyond the extension agreement are allowed to use the period of the extension for SRB computation.

(2) An extension of enlistment which is cancelled by the service concerned before becoming operative is not considered as previously obligated service for SRB computation purposes. This applies only to cancellations initiated by the service concerned and not to cancellations initiated by the member. Service-initiated cancellations occur when the basis for the extension no longer exists. An example of a

service-initiated cancellation would be a member who extends an enlistment for a special duty assignment and before the extension becomes operative the service denies the member the assignment.

(3) Under authority provided to the Chief of Naval Operations, certain nuclear trained and qualified enlisted members of the Naval Service who enter into an extension agreement on or after 10 May 1974, and who cancel the extension before it becomes operative to immediately reenlist for a period of at least 2 years beyond the extension agreement are allowed to use the period of the extension for SRB computation.

(4) Members discharged before expiration of enlistment or operative extension may not receive an SRB based on any unserved full months of obligated service of the enlistment or extension.

**Example:** Member discharged 30 Jun 1982 from an enlistment which expires 29 Oct 1982 and reenlisted 1 Jul 1982 for 4 years, would be paid for 3 years and 8 months of additional obligated service. (Subtract date following old ETS from the new ETS date.)

Members discharged within 3 months of their normal ETS for the purpose of immediate reenlistment are considered to have completed that contract, but the unserved period within the last 3 months is considered as existing obligated service when computing the SRB entitlement. (A member who is discharged no more than 3 days early, in accordance with the regulations of the service concerned, is considered to have completed current enlistment for SRB computation.)

**Example:** Member discharged 2 months and 3 days before expiration of enlistment, and immediately reenlisted for 4 years, could not receive an SRB for 3 months of the reenlistment period.

**b. Computation Factors.** Specifically, the Selective Reenlistment Bonus (SRB):

(1) Is paid in the amount of 1 month's basic pay times the multiple assigned to the military specialty (not to exceed six), times the years, or fractions of years (months), of additional obligated service as defined above. In the case of a member reenlisting after release from active duty as an officer, use the basic pay rate applicable on the day of reenlistment (see paragraph 10911e(5)).

(2) Is not paid for obligated active service (including active duty for training) in excess of 16 years.

**Example:** Member with 13 years, 3 months, and 15 days active duty; 3 months, 5 days active duty for training; and 2 months, 15 days of existing obligated service, who reenlists for 4 years, can be paid an SRB (Zone C) based on 2 years, 2 months as follows:

| Note | Years | Months | Days |
|---|---|---|---|
| a. | 13 | 3 | 15 |
| b. | | 3 | 5 |
| c. | | 2 | 15 |
| d. | 13 | 8 | 35 |
| e. | 13 | 9 | 5 |
| f. | 16 | 0 | 0 |
| g. | 13 | 10 | 0 |
| h. | 2 | 2 | 0 |

NOTES:

a. Active duty

b. Active duty for training

c. Existing obligated service

d. Total

e. or

f. Maximum SRB years

g. Less obligated active service (partial months count as a whole month)

h. Time for which SRB (Zone C) is payable

★(3) Does not exceed a maximum amount of $30,000 per bonus. However, no more than 10 percent of the bonuses awarded during any fiscal year shall exceed $20,000.

(4) Is not paid more than once within each zone of eligibility.

**c. Computation Factors for Commissioning Program.**

(1) Any member in the commissioning program with a class start date before 1 Jun 1983 is unaffected.

(2) Any member with a class start date on or after 1 Jun 1983, bonus payments are suspended.

**Example 1:** Assume member reenlisted 820404 for 4 years. SRB Due: $16,000. Member was paid first installment of $8,000 (50 percent) 820404, and second installment of $2,666.66 on 830404. Total SRB paid to date: $10,666.66.

Member entered officer training school (OTS) with class start date of 830601. Member's third and fourth installments would be suspended pending completion of OTS and commissioning. Given successful completion, the member would forfeit the remaining installments. However, had the member washed out of the program and returned to enlisted status in the same bonus skill, the remaining installments would be payable but at a rate reduced by the number of days spent in the OTS program. Computation is as follows:

Computation:
Initial Bonus Information:
SRB Entitlement: $16,000
No. Days Paid: 1440
Daily Rate: $11.1111 ($16,000 divided by 1440)
No Days in OTS: 96 (member washed out of OTS 830906 (use 30-day basis.))
New No. Days Paid: 1344 (1440 - 96)
New SRB Entitlement:$14,933.32 (1344 X $11.1111)
Balance to be paid over remaining two (2) installments: $4,266.66 ($14,933.32 -$10,666.66 paid to date)
Due Final Two (2) Installments: $2,133.33 ($4,266.66 divided by 2)

**Example 2**: Assume member reenlisted 811229 for 4 years. SRB Due: $8,000. Member was paid first installment of $4,000 (50 percent) 811229, and second and third installments 821229 and 831229 of $1,333.33 each installment. Total SRB paid to date: $6,666.66. Member entered education and commissioning program (ECP) with class start date of 840101. Member's fourth installment would be suspended pending completion of ECP and commissioning. Given successful completion, the member would forfeit the remaining installments. However, had the member washed out of the program and returned to the enlisted status in the same bonus skill, the remaining installments would be payable but at a rate reduced by the number of days spent in the ECP program. Computation is as follows:

Computation:
Initial Bonus Information:
SRB Entitlement: $8,000
No of Days Paid: 1440
Daily Rate: $5.5555
No. Days in ECP: 430 (member washed out of ECP 850310 (use 30-day basis.))
New No. Days Paid: 1010 (1440 - 430)
New SRB Entitlement: $5,611.06 (1010 X $5.5555)
Balance to be paid over remaining installment: -0- (Member Due $5611.06; paid previously $6,666.66)

No overpayment exists, however, for recoupment purposes. Member is permitted to keep payments received before entrance in ECP.

**Example 3**: Assume member reenlisted 820604 for 4 years. SRB Due: $16,000. Member was paid first installment of $8,000 (50 percent) 820604, and second installment is due 830604. Member entered OTS with class start date of 830610. Member's acceptance in OTS was granted 830310. Under this set of circumstances, the member would be due the second installment as it fell due before the class start date. Member should be paid the second installment, but the third and fourth installments should be suspended pending completion of the commissioning program.

**Example 4**: Assume member reenlisted 820604 for 4 years. SRB Due: $16,000. Member was paid first installment of $8,000 (50 percent) 820604, and second installment is due 830604.

Member entered ECP with class start date of 830602. Member's acceptance in ECP was granted 830310. Under this set of circumstances, the member would not be due the second installment as it fell due after the class start date. The member's second, third, and fourth installments would be suspended pending the completion of the commissioning program.

**Example 5**: Assume member enlisted 830101 for 4 years. Member completed training 830331, and was awarded military specialty, entitled to enlistment bonus (EB) of $6,000. Paid first installment of $5,000, 830401.

Member entered OTS with class start date 830601. Member washed out of the commissioning program 831130. Computation is as follows:

Computation:
Initial Bonus Information:
EB Entitlement: $6,000
No. Days Paid: 1440
Daily Rate: $4.1666 ($6,000 divided by 1440)
No. Days in OTS: 180 (member washed out of OTS 831130 (use 30-day basis.))

New No. Days Paid: 1260 (1440 - 180)
New EB Entitlement: $5,249.92 (1260 X $4.1666)
Balance to be Paid: $249.92 ($5,249.92 - $5,000 paid to date)

### 10913. Method of Payment

Selective Reenlistment Bonus (SRB) payments are paid by installments. Under regulations prescribed by the Secretary concerned, up to 50 percent of the total bonus may be paid as the first installment with the remaining portion paid in equal annual amounts over the remainder of the reenlistment period. The initial payment will normally be made on the day of reenlistment or the date a member begins serving in the extension. Initial payment of Selective Reenlistment Bonus to an eligible individual who reenlists with a break in active duty greater than 24 hours will be made no earlier than 30 days after arrival at the first permanent duty station following reenlistment. Later installments of Zones A and B SRB are payable on the anniversary date in each year of the reenlistment. Later installments of Zone C SRB are payable on the anniversary dates of the reenlistment which occur before the individual completes 16 years of active service. In either case where there is lost time, the subsequent installment payments will be delayed by the number of days of lost time. Discharge for the purpose of immediate reenlistment does not affect a member's entitlement to subsequent installment payments.

### 10914. Reduction and Termination of Awards

When a military specialty is designated for reduction or termination of award, an effective date for reduction or termination of award shall be established and promulgated to the field at least 30 days in advance. Except as provided in paragraphs 10911a(6) and 10915c, all awards on and after the effective date in military specialty designated for reduction of award will be at the reduced level, and no new awards will be made on or after the effective date in a military specialty designated for termination of award.

### 10915. Determinations Affecting SRB Payments

a. When a member dies before receiving the full amount of the SRB due, the remaining unpaid balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account.

b. Once a member establishes a right to SRB upon reenlistment on or before 30 Jun 1977, the member is entitled to continued receipt of annual installment payments without further qualification in a critical military skill. The continued receipt of such payment does not depend upon performance of duties in the specialty for which the bonus is authorized. SRB payments for reenlistments on and after 1 Jul 1977 are subject to recoupment when a member is not technically qualified in the skill for which a bonus was paid as provided in section E of this chapter.

c. When a member extends an enlistment, SRB payments are based on the award level multipler in effect on the date the extension agreement is executed rather than on the date the extension agreement becomes operative.

d. Unpaid installments of SRB are payable to members separated prior to completion of enlistment when separated under conditions which do not require recoupment (see section D ).

## SECTION C—REGULAR REENLISTMENT BONUS (RRB)
(37 U S C 308)

### 10921. Basic Conditions of Entitlement

This section is applicable only to members who were on active duty on 1 Jun 1974.

a. To determine the number of reenlistments for which Regular Reenlistment Bonuses (RRB) are payable count the following:

(1) An enlistment in the regular component of the service concerned within 3 months from date of discharge or separation, on or after 1 Oct 1949, after compulsory or voluntary active duty (except active duty for training) in the service concerned. See c below for computation of 3-month period.

(2) A reenlistment between 1 Oct 1949 and 15 Jul 1954 in a regular component following extended active duty of 1 year or more as a member of a reserve component.

(3) A voluntary extension of an enlistment for 2 years or more. (For combined enlistment extension coverage, see paragraph 10924).

(4) An enlistment or reenlistment on or after 1 Oct 1949 for which a member received an enlistment allowance instead of a reenlistment bonus because the former was the greater amount.

(5) Any former reenlistment for which a reenlistment bonus was payable by another uniformed service.

(6) An enlistment in the regular component, on and after 16 Jul 1954, within 3 months after release from active duty as a commissioned or warrant officer under an appointment made on or after 12 Oct 1949. The commissioned or warrant service must have immediately followed active enlisted service in the same branch of service.

b. Do not count:

(1) Any enlistment or reenlistment entered into before 1 Oct 1949 for which an enlistment allowance was paid.

(2) Any reenlistment for which a reenlistment bonus was not authorized, even if an erroneous payment was made and then remitted.

(3) Any enlistment for which a minority discharge was issued.

c. The period of 3 months prescribed in this section (and in section B) begins on the day following the date of discharge or separation and ends with the day of the month 3 months later corresponding to the date of discharge or separation.

(1) Example: Member discharged 3 Sep 1978, period of computation begins 4 Sep 1978 and ends 3 Dec 1978.

(2) If members are kept in service beyond the date their term of service would normally end for the purpose other than rendering service (retained for purposes of trial by court martial, etc.) the 3-month period begins on the day following their normal expiration of term of service instead of the actual date of separation. (Example: Member's ETS date is 3 Sep 1978, member is retained for trial by court martial 4 Sep 1978 and discharged 3 Nov 1978, period of computation begins on 4 Sep 1978). There is no authority to waive the 3-month limitation of eligibility to receive an RRB or SRB.

## 10922. To Whom Payable

A Regular Reenlistment Bonus (RRB) may be paid to an enlisted member who was on active duty on 1 Jun 1974, and who:

a. Enlists or reenlists in the regular component of the same service within 3 months from the date of discharge or separation after compulsory or voluntary active duty (except active duty for training). This includes members enlisting under paragraph 10921a(6). See paragraph 10921c for computation of 3-month period.

b. Was paid a reenlistment bonus under a prior law for a reenlistment on or after 16 Jul 1954, and who during that enlistment elects to be paid, if otherwise eligible, the difference between the amount received and that which would have been due as an RRB under this section.

c. Was inducted into the armed forces and who before the expiration of required service, was discharged in order to immediately enlist in the regular component of the same service.

d. Was inducted into the armed forces, completed required service, and enlists in the regular component of the same service within a 3-month period.

## 10923. Computing Regular Reenlistment Bonus

a. Compute RRB as provided in table 1-9-1. (See paragraph 10926 for restrictions.)

b. Members who also are eligible for the Selective Reenlistment Bonus (SRB) may be paid either bonus whichever they elect. If members receive the SRB in an amount less than $2,000 and if for a subsequent reenlistment they are eligible for the RRB under this section, they may at that time be paid the RRB, but only in an amount which when added to the award of the SRB (and RRB, if any) previously received, does not exceed a total of $2,000.

## 10924. Extensions of Enlistments

Compute RRB as for actual reenlistment when members voluntarily extend their enlistment for 2 years or more. This includes combined extensions of enlistment as provided below. When part of a year is involved, compute the bonus by using as a multiplier the total number of years and fractions of years for which the enlistment was extended. Members who were paid an RRB when they first extended their enlistment for at least 2 years, but less than 4 years, are entitled to an additional RRB for later extensions. The additional bonus payable is computed on the basis of the combined extensions, not to exceed 4 years. Compute at pay rate applicable on day before they begin serving on the first extension. Deduct the bonus paid for the first extension. A single extension for less than 2 years, or a combination of extensions totaling less than 2 years, does not constitute a reenlistment for bonus purposes. Time lost made good is not considered an extension of enlistment. When members reenlist and qualify for RRB after completing an extension, compute the bonus at the rate of basic pay they received on the date of actual discharge. If extensions entered into total 2 years or more, they constitute a reenlistment as provided in a and b below.

**Example 1:** Members who extend for 20 months, and subsequently for 6 months, are entitled to a bonus on the day they start serving the 6-month extension. No bonus is payable for the 20-month extension if, before entry on the 6-month extension, the 6-month extension is cancelled.

**Example 2:** Members who extend their enlistment for 11 months, and then for 6 additional months, and then for 12 months are entitled to a bonus on the day they start serving the third extension.

**a. Army and Air Force.** Before 2 Jan 1968, Army and Air Force members could not combine extensions of enlistment to get an RRB. Two or more extensions entered into on or after 2 Jan 1968 are treated as a single extension. If the extensions total 2 years or more, they constitute a reenlistment. For the purpose of combining extensions of an enlistment, an extension entered into before 2 Jan 1968 may not be combined with extensions entered into on or after 2 Jan 1968.

**b. Navy and Marine Corps.** Two 1-year extensions of an enlistment before 10 Aug 1956 did not constitute a reenlistment. On or after 10 Aug 1956, extensions of 1 year or less which, when combined, equals 2 years or more, constitute one reenlistment for entitlement to RRB.

### 10925. Time of Payment

Payment of regular reenlistment bonus is normally made on the day the member reenlists. Members who extend their enlistment for 2 years or more are not paid the bonus for the extension until they actually begin serving the extension. Members who become entitled to an RRB by having extended for two or more times for a combined total of 2 years or more may not be paid a bonus until they actually begin serving the extension that, when combined with the previous extension(s), results in a service commitment of 2 years or more.

### 10926. Restrictions

**a. Grade:**

Members in pay grade E-1 on date of last discharge or release from active duty are entitled to a regular reenlistment bonus for a first reenlistment computed on the basis of only two-thirds of their monthly basic pay on date of last discharge or release from active duty.

(2) A member in pay grade E-1 or E-2 on date of last discharge or release from active duty is not entitled to a bonus for second or subsequent reenlistments.

(3) A member in pay grade E-3 on date of last discharge or release from active duty is not entitled to a bonus for a third or subsequent reenlistment.

**b. Length of Service.** RRB may not be paid to members who reenlist:

(1) During their prescribed period of basic recruit training (while a resident at a basic military training school where they receive both processing and training), or

(2) After completing a total of 20 years of active Federal Service. Active Federal Service includes active duty for training.

(3) After a break in service greater than 3 months subsequent to 1 Jun 1974. However, this is not a bar to entitlement for a subsequent reenlistment within 3 months of separation.

**c. Cumulative Amount.** The cumulative amount of RRB paid to a member under any provisions of law may not exceed $2,000.

(1) Include any reenlistment bonus paid by one or more of the uniformed services, less any portion later recouped, in determining the cumulative total payable under this section.

(2) Any amount of erroneous payment (no entitlement to bonus existed) or overpayment (amount in excess of that authorized) made under this section, which is later remitted, is not counted as part of the $2,000 cumulative amount.

(3) Amounts of any unearned RRB requiring recoupment which are remitted must be included in determining the cumulative amount of $2,000.

(4) Amounts paid as enlistment allowances after 1 Oct 1949 are not included in the $2,000 cumulative amount limitation.

**d. Discharge From Another Service.** RRB is not payable for an enlistment entered into following discharge or separation from another branch of the uniformed services.

**e. Members on Temporary Disability Retired List.** A member whose name was placed on the temporary disability retired list and was later discharged and reenlisted in a regular component of the uniformed services more than 3 months after date of placement on such list is not entitled to an RRB.

**f. Members on Active Duty for Training.** An RRB is not payable for an enlistment in a regular component, following a discharge from a reserve component, during or at the completion of a period of active duty for training.

**g. Reenlistments Which Will Extend Service Beyond 20 Years.** The RRB is payable for only the number of years, months, and days needed to complete 20 years' active Federal service.

## SECTION D—RECOUPMENT OF ENLISTMENT AND REENLISTMENT BONUS

### 10941. Legal Requirements

Recoupment of unearned portions of enlistment bonus and reenlistment bonuses (regular and selective) is required:

a. When a member voluntarily or because of misconduct does not complete the term of enlistment, reenlistment, extension of enlistment, or anniversary year for which the bonus was paid. Members discharged 3 months or less before expiration of enlistment for reasons set forth in paragraph 10942n are considered to have completed the terms of enlistment, reenlistment, extension of reenlistment, or anniversary year for which the bonus was paid. For Army, Air Force, and Marine Corps members this provision became effective 2 Jan 1968. In computing the period "3 months or less", the date of normal expiration of enlistment is excluded.

b. When a member is not technically qualified in the skill for which a bonus was paid (other than a member who is not qualified because of injury, illness, or other impairment not the result of misconduct). This provision was effective 30 Jun 1977 for members paid an enlistment or selective reenlistment bonus.

### 10941.1 Recoupement Not Required

a. A member paid an enlistment bonus, who is discharged and immediately reenlisted before completion of the term of service for which paid the enlistment bonus, is not required to refund the unearned portion of the enlistment bonus provided the reenlistment is for a period of at least 2 years beyond the period for which the enlistment bonus was paid.

b. A member paid any reenlistment bonus, who is discharged early for the purpose of immediate reenlistment for which no reenlistment bonus is paid, is not required to refund the unearned portion of the bonus provided the term of the reenlistment following the early discharge includes the remaining period of service in the prior enlistment.

### 10942. Reasons for Recoupment

For purpose of recoupment of any unearned portions of enlistment or reenlistment bonuses, the term "who voluntarily or because of misconduct" includes (but is not limited to) members separated for the reasons listed below:

a. Transfer to Fleet Reserve, Fleet Marine Corps Reserve, or the Army or Air Force Reserve (and placement on the retired list of the regular Army or Air Force) with release to inactive duty before expiration of the number of years' service for which a bonus was paid. Retirement for disability is excluded.

b. Marriage—female member.

c. Resignation—separation by reason of acceptance of member's resignation (includes resignation for the good of the service in lieu of trial by court-martial).

d. As a result of a writ of Habeas Corpus.

e. Reduction to Permanent Grade—member voluntarily separated, or transferred to a reserve component if required by law, following reduction to a lower permanent grade from a higher temporary grade in which the member was erroneously reenlisted.

f. Disability not in the line of duty.

g. Approved sentence of court-martial or conviction by a civil court.

h. Misconduct.

i. Homosexuality.

j. Defective enlistment (includes erroneous and fraudulent enlistments).

k. Entry level performance and conduct.

l. Unsatisfactory performance.

m. Drug and alcohol rehabilitation failure.

n. As directed by the Secretary of the service concerned in individual cases. Includes voluntary separation, or transfer to a Reserve component if required by law; and for the convenience of the Government upon the application and interest of the member because of special or unusual circumstances including, but not limited to, the following:

(1) To permit attendance at a civilian school.

(2) To permit enlistment in another service. Recoupment of unearned bonus is not required if the member is separated to permit acceptance of, or entry into a program leading to a commission or warrant appointment in the same or another service; entitlement to additional unpaid bonus is suspended and will terminate upon commissioning or appointment. However, the entitlement to additional unpaid bonus will be reinstated and paid on a pro rata basis if the member is not commissioned or appointed and returns to an enlisted status in the same bonus skill.

(a) "Commissioning programs are defined as those programs which, upon successful completion, may lead to an appointment as a warrant or commissioned officer of the Armed Forces. These programs include attendance at:

1. Colleges or universities to fulfill educational requirements for completion of baccalaureate degree, or,

2. Service academy preparatory schools to obtain educational requirements for entrance to Service Academy, or,

3. Service schools for the purpose of training and screening eligible applicants for

an appointment as a warrant or commissioned officer."

(3) To permit enlistment of aliens in the armed forces of their country.

(4) Sole surviving family member.

(5) Conscientious objection.

(6) Overweight/obesity or physical fitness.

(7) Pregnancy. Recoupment is required only where member is voluntarily separated, not when pregnancy causes loss of qualification in bonus skill.

(8) Public office.

(9) Parenthood.

Exceptions: Hardship and dependency separations are considered involuntary for the purposes of this paragraph and do not require recoupment of unearned portions of a bonus.

o. Reasons established by military departments (reasons will be approved by ASD (MRA&L)). The decision to recoup will be made by DASD (MP&FM).

p. See the individual services procedural instructions for a list of separation reasons and the corresponding separation program designator (SPD) codes.

## 10942.1. Additional Reasons for Recoupment

Except for members not qualified because of injury, illness, or other impairment not the result of their own misconduct, entitlement to the full amount of an enlistment or selected reenlistment bonus awarded after 30 Jun 1977, will be contingent upon a member maintaining the technical qualification required for effective performance in the military specialty for which the bonus was awarded.

a. A member will be considered not technically qualified in the bonus specialty when no longer classified in that specialty, when the specialty designator is removed from the member's records, and when current and future assignment in that military specialty is precluded for any of the following reasons within the member's control:

(1) Refusal to perform certain duties required for effective performance in the military specialty when the member had volunteered for such duties in writing before accepting the bonus.

(2) Disciplinary action taken under UCMJ or civil court conviction when such action renders the individual unqualified for future performance in the military specialty.

(3) Injury, illness, or other impairment resulting from own misconduct, as established through existing line of duty determination procedures, which interferes with effective performance in the military specialty.

(4) Withdrawal of the minimum security clearance, loss of qualification under the Personnel Reliability Program (PRP), or loss of any other mandatory qualification required for effective performance in the military specialty, when such withdrawal or loss is voluntary or caused by the member's own misconduct and results in removal from the military specialty.

b. In addition to the criteria specified in subparagraph a above, a member of the Navy will be considered not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants for the following reasons within the member's control:

(1) Removal of Navy Enlisted Classification Code (NEC) as a result of the member's demonstrated inability to maintain the required proficiency, or failure to meet the qualification or requalification measures required for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(2) Removal of NEC as a result of the member's demonstrated lack of reliability for assignment to duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

## 10943. Recoupment Due to Lost Time

Time lost during a period for which an enlistment or reenlistment bonus was paid must be made good before discharge or a pro rata part of the bonus must be recouped.

## 10944. Computation of Recoupment of Enlistment and Reenlistment Bonuses

**a. Regular Reenlistment Bonus (37 U S C 308).** Recoupment is required on a percentage basis for the time remaining to be served. Reduce the amount paid to an amount per month. Multiply the number of months and fractions of months not served, including lost time, by the amount of bonus paid per month. The product is the amount to be recouped. When a member receives a reenlistment bonus for a period less than that for which reenlisted because obligated service would extend beyond 20 years, recoupment is computed of the basis of the actual period for which paid. For purposes of this computation a month consists of 30 days.

**Example 1**: A member reenlists for four years on 16 Jul 1973. Monthly basic pay on discharge was $390.60; $390.60 × 4 = $1,562.40, the total amount of the reenlistment bonus paid. The amount per month is computed at $1,562.40 ÷ 48 months or $32.55 per month. This member served 2 years, 11 months and 15 days and was discharged on 30 June 1976 for a reason requiring recoupment. One year and 15 days were not served. Twelve and one-half months × $32.55 = $406.88—the amount to be collected from the member.

**b. Selective Reenlistment Bonus.** The same principle that is applied to the recoupment of the regular bonus applies to SRB. However, a member who received SRB did not receive an RRB for the same reenlistment. Also, the recoupment of SRB is based on the period of additional obligated service and not on the entire enlistment period. Further, the total amount of SRB is earned upon completion of 16 years of active service.

**Example 2**: A member reenlisted for 6 years with additional obligated service of 4 years. Member qualified for an SRB totaling $6,000. Member received the first installment of $1,000 on reenlistment and additional installments of $1,000 on the first and second anniversary dates of the reenlistment, or a total of $3,000. If the member is discharged for a reason requiring recoupment of the bonus after serving 2 years, 6 months of the 6-year reenlistment period, compute the amount due the United States as follows:

The member served only 6 months of additional obligated service. Since additional obligated service was 4 years or 48 months, the SRB was earned at the rate of $125 per month during the 6-month period of additional obligated service ($6,000 ÷ 48 = $125). $125 per month × 6 months = $750 earned. Since the member was paid a total of $3,000 in initial and anniversary payment, $2,250 is due the United States.

**Example 3**: A member reenlisted for 4 years with additional obligated service of 3 years 9 months. Member qualified and was paid an SRB of $4,232.25. If the member is discharged for a reason requiring recoupment of the bonus after serving 1 year, 4 months, 20 days of the 4-year reenlistment period, compute the amount due the United States as follows:

The member served only 1 year, 1 month and 20 days of the additional obligated service. Since additional obligated service was 3 years and 9 months (45 months) the SRB was earned at the rate of $94.05 per month ($4,232.25 ÷ 45 = $94.05). The amount earned for the 1 year, 1 month and 20 days service was $1,285.35 (13 20/30 months × $94.05 = $1,285.35 earned). Since the member was paid a total of $4,232.25 and earned $1,285.35, then $2,946.90 is due the United States. Although the above example shows the recoupment computation in terms of months, the computation may be made using a daily rate with each whole month converted to 30 days.

**c. Enlistment Bonus.** The same principle that is applied to the recoupment of RRB applies to the enlistment bonus.

★TABLE 1-9-1

COMPUTATION OF REGULAR REENLISTMENT BONUS—37 U.S.C. 308 (note 1)

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | When | compute reenlistment bonus by using | at pay rate applicable | multiplied by | to obtain amount payable as |
| 1 | an enlisted member reenlists on or after 16 Jul 54 | 1 month's basic pay (1st reenlistment); or two-thirds of 1 month's basic pay (2d reenlistment); or one-third of 1 month's basic pay (3d reenlistment); or one-sixth of 1 month's basic pay (4th and subsequent reenlistments) (note 2) | on date of discharge or release from active duty | number of years for which member reenlists | 1st reenlistment bonus; 2d reenlistment bonus; 3d reenlistment bonus; or 4th or subsequent reenlistment bonus, as applicable (note 3). |
| 2 | An officer or warrant officer qualified under para 10921a(6), reenlists on or after 16 Jul 54 | | to grade in which enlisted (including cumulative years service) (note 4) | | |
| 3 | an enlisted member's reenlistment or extension extends the active service beyond 20 years | | on date of discharge or release from active duty | number of years, months, and days needed to complete 20 years active Federal service | |
| 4 | an enlisted member extends the enlistment for 2 years or more (note 5) | | on day before the day member begins serving on the extension. | number of full years and fractions thereof (not to exceed 4) for which member extended enlistment | |

**★TABLE 1-9-1—Continued**

**COMPUTATION OF REGULAR REENLISTMENT BONUS—37 U.S.C. 308 (note 1)**

| R<br>U<br>L<br>E | A | B | C | D | E |
|---|---|---|---|---|---|
| | When | compute reenlistment bonus by using | at pay rate applicable | multiplied by | to obtain amount payable as |
| 5 | an enlisted member of the Navy or Marine Corps, on or after 10 August 56, or of the Army or Air Force, on or after 2 Jan 68, has combined enlistment extensions totaling 2 years or more (note 5) | | on day before the day member begins serving on the first extension | | |

NOTES:

1. Applicable only to members on active duty on 1 Jun 1974.
2. Navy and Marine Corps—exclude the 25 percent increase in basic pay provided under section D, chapter 2, part one.
3. See para 10926 for grade, length of service, and cumulative amount payment restrictions.
4. Pay reenlistment bonus at the higher grade when there is a simultaneous promotion to a higher grade effective on the date of reenlistment.
5. Extension of 2 years or more is counted as a reenlistment in computing bonus payable for later reenlistments.

# CHAPTER 10

# SPECIAL PAY—DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER

## 11001. General Provisions

Members who meet the conditions set out in this chapter are entitled to special pay at the rate of $65 per month. A member may receive this special pay in addition to any other pay and allowances to which entitled. A member may not be paid more than one payment under this chapter for any month. A member may not be paid this special pay in time of war declared by Congress.

## 11002. Designated Areas

### a. Areas Designated

(1) Vietnam. Effective 1 Oct 1973, the area of Vietnam is redesignated so as to include the total land area of North and South Vietnam including inland waters and the adjacent sea area west of a line from a point on the east coast of Vietnam at the juncture of North Vietnam and China southeastward to a point 12 miles seaward from the base line from which the breadth of the territorial sea measured; then continuing on that 12 mile seaward line to 10-16N, 103-38E, thence northeast to 10-21N, 103-44E, thence on straight lines to 10-23N, 103-49E; 10-26N, 103-54E; 10-30N, 103-55E, 10-30N, 104-01E; 10-28N, 104-06E; 10-16N, 104-14E thence northeast to the juncture of the Cambodia and Vietnam border; and the airspace thereover.

(2) Cambodia. Effective 1 Jan 1971, the total land area of Cambodia, including inland waters, and adjacent sea area from the juncture of the Cambodia and Vietnam border, southwest to coordinates 10-16N, 104-14E, thence to 10-28N, 104-06E, thence to 10-30N, 104-01E, thence to 10-28N, 103-55E, thence to 10-26N, 103-54E, thence to 10-23M, 103-49E, thence to 10-21N, 103-44E, thence to 10-16N, 103-38E, thence 12 miles seaward from the base line from which the territorial water of Cambodia is measured to a point 12 miles seaward from the border of Cambodia and Thailand, thence to the juncture of the border of Cambodia and Thailand and the airspace thereover.

(3) Iran. Effective 4 Nov 1979, the country of Iran, land area only, is designated. (Iran was earlier designated for the period 8 Dec 1978 through 23 Feb 1979.)

(4) Lebanon. Effective 1 Oct 1983, the country of Lebanon, total land area only, including inland waters, is designated. Airspace thereover and adjacent sea areas are excluded.

(5) El Salvador. Effective 1 Oct 1983, the country of El Salvador, total land area only, including inland waters, is designated. Airspace thereover and adjacent sea areas are excluded.

(6) Islands of Grenada and Carriacou. Effective 24 Oct 1983, the land area of the islands of Grenada and Carriacou, including the airspace thereover, is designated. Adjacent waters are excluded from this designation. This designation is terminated on 31 Dec 1983.

★(7) Colombia. Effective 1 Jun 1985, the total land area of the country of Colombia, including inland waters, is designated. Airspace thereover and adjacent sea areas are excluded from this designation.

**b. Additional Areas.** Appropriate notification will be furnished relative to any area(s), in addition to the area described in subparagraph a, which may be designated from time to time by the Secretary of Defense or designee.

**c. Area Designation Changes.** A unified or specified commander will continuously appraise conditions existing within a designated area to ensure that service therein is subject to hazards to warrant continuation of such designation. Whenever appropriate, the commander above, submits recommendations to the Secretary of Defense to exclude specific locations from the designated area.

## 11003. Conditions of Entitlement

See table 1-10-1 for specific conditions of entitlement and paragraph 11007 for instructions when entitlement does not exist for complete month.

## 11004. Determinations of Fact

Determinations of fact regarding qualification for special pay under this chapter will be made in accordance with administrative regulations of the respective services. Any determinations of fact made in the administration of this chapter are conclusive. Such determinations are not subject to review by any officer or agency of the Government, unless there has been fraud or gross negligence. Such determinations, however, may be changed on the basis of new evidence or for other good cause.

### 11005. Continuation of Special Pay While Captured or Missing

The account of any member who has qualified for special pay under this chapter will continue to be credited with this special pay while the member is in a status of missing, missing-in-action, interned in a foreign country, or captured by a hostile force. (See chapter 3, part four, for detailed instructions.)

### 11006. Inclusion of Special Pay in Death Gratuity

Special pay under this chapter will be included in death gratuity payment on behalf of members who were entitled to such pay on date of death. (See chapter 5, part four.)

### 11007. Nonpay Status

If a member enters a nonpay status during the month, prorate special pay under this chapter for the number of days the member was in a basic pay status. A member's basic pay status ends on date of discharge or separation from the service, or on date of death, or on the day before the beginning date of certain specified types of absences from duty. (See chapter 3, this part.)

### 11008. Determination of Entitlement

Use the following examples as a guide for determining whether a member qualifies for special pay under conditions set out in rules 2 through 4, table 1-10-1. These examples also show how to determine the month for which such special pay is payable.

a. Conditions in rules 2 and 3, table 1-10-1.

**Example 1:** A member who was present and performed assigned duties in a designated area on 2, 3, 12, 13, 14, and 31 January is entitled to receive special pay for the month of January.

**Example 2:** A member who was present and performed assigned duties in a designated area from 29 December through 3 January is entitled to receive special pay for the month of January because the member is not entitled to special pay for December, and met the 6 consecutive days' requirement beginning in December and ending in January.

**Example 3:** A member who was present and performed assigned duties in a designated area from 1 through 4 December and 30 December through 4 January, is entitled to the special pay for the month of December only.

**Example 4:** A member who was present and performed assigned duties in a designated area from 29 January through 2 February, and 4, 5, and 6 February is not entitled to the special pay for either month.

b. Condition in rule 4 table 1-10-1.

**Example 1:** On 24 Mar 1966, the USS GENERAL STORE, transporting supplies to the combat area, encounters hostile fire at close proximity while performing its mission, causing the crew members on board to be in danger of being injured or killed. If the Commanding Officer USS GENERAL STORE so authorizes, the members on board would be entitled to special pay for March.

**Example 2:** I.M. COPP, BM1 USN, is detailed from a ship to perform shore patrol duty in Saigon on 10 Apr 1966. In the performance of that duty a hand grenade explodes in the immediate vicinity of the member. The incident is reported to the ship's commanding officer and after verification of the facts the commanding officer authorizes special pay for the month of April.

**Example 3:** A VR squadron plane transporting service members flies along the coast of South Vietnam en route to Thailand. Although fighting is going on in South Vietnam, the Commanding Officer of the air squadron determines that the members were not in such proximity to hostile fire as to be placed in danger of being injured or killed. Therefore, entitlement to special pay does not exist. If, however, the aircraft is fired upon, then the passengers qualify for special pay under rule 4, table 1-10-1.

**★TABLE 1-10-1**

**SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER**

| R U L E | A | B | C |
|---|---|---|---|
| | **When a member who is entitled to basic pay** | **and** | **then special pay accrues** |
| 1 | is permanently assigned (or under orders contemplating temporary duty for 30 consecutive days or more) and is required to perform duty in a designated area (see paragraph 11002) | | from the first day of the month in which member arrives in the area through the last day of the month in which member is transferred and permanently departs from that area (note 1). |
| 2 | performs assigned duties connected with military operations in a designated area for a minimum of 6 days within 1 calendar month (see paragraph 11008a) | is not entitled to special pay under rule 1 | for the month in which the duties were performed. |
| 3 | performs assigned duties connected with military operations in a designated area for a minimum of 6 consecutive days, beginning in 1 month and ending in the following month (see paragraph 11008a) | is not entitled to special pay under rules 1 or 2, or for the month in which duties began | for the month in which the duties end. |
| 4 | is subject to hostile fire while performing duty in a designated area (note 2) | is not entitled to special pay under rules 1 through 3 | for the month in which member was subject to hostile fire. |

TABLE 1-10-1—Continued

| R U L E | A | B | C |
|---|---|---|---|
| | **When a member who is entitled to basic pay** | **and** | **then special pay accrues** |
| 5 | is not on duty in a designated area | participates in a hostile encounter while on duty or on board the same vessel or aircraft which was the subject of hostile fire, or in the case of land forces, while assigned to the same military unit and performing duty with the unit at the time of the hostile action (note 3) | for the entire month during which the hostile action occurred. |
| 6 | is killed | death, injury, or hospitalization results from hostile fire, explosion of a hostile mine, or other hostile action (notes 4 and 5) | from the first day of the month to and including the date of death. |
| 7 | wounded or injured | | for the entire month in which the wound or injury occurred (paragraph 11001). |
| 8 | is hospitalized outside a designated area | | through the date hospitalization is terminated or for 3 months after the month in which the wound or injury occurred, whichever is earlier. |
| 9 | is confined in a designated area as a result of court-martial sentence | member's pay is subject to total forfeiture | through the day before the effective date of the nonpay status (paragraph 11007). |
| 10 | qualifies for special pay under rules 1, 2, 3, or 4 | the area designation for that country is terminated on a date other than the last day of the month | for the entire month in which termination of the designation became effective. |

NOTES:

1. A member who is absent from the designated area for an entire calendar month is not entitled to special pay for that month.

2. Consider a member as having been "subject to hostile fire" if close enough to the trajectory or point of impact or explosion of hostile ordnance to have been in danger of being wounded, injured, or killed.

3. All members serving on a vessel or aircraft are entitled to payment. In case of land forces, only those of the unit (patrol, squad, platoon, or larger unit) which are in the immediate vicinity of the trajectory or point of impact or explosion of hostile ordnance and are placed in danger of being wounded, injured, or killed from such causes are entitled to payment.

4. It is not necessary that death, injury, or wound occur in a designated area.

5. Members are casualties as the result of hostile action if they have been so defined under applicable casualty regulations (AR 600-10, Marine Corps Order 3040.4, AFR 20-25, and NAVMILPERSCOM).

# CHAPTER 11

# SPECIAL PAY—DIVING DUTY

### 11101. Entitlement

a. Members entitled to basic pay are entitled to special pay for diving duty for periods during which they are:

(1) Assigned by orders to diving duty;

(2) Required to maintain proficiency as a diver by frequent and regular dives; and

(3) Actually performing diving duty.

b. In time of war the President may suspend diving duty pay.

### 11102. Qualifications for Diving Duty

**a. Army.** Member must be a rated diver in accordance with AR 611-75, and be assigned to:

(1) A TOE or TDA position in SC/MOS, SQI, or ASI specified in table 1-1, AR 611-75; or

(2) A position designated diving duty by the Deputy Chief of Staff Personnel.

**b. Navy and Marine Corps.** Members must be designated divers, be assigned to diving duty under competent orders, and maintain their qualifications for diving.

**c. Air Force.** Members must:

(1) Successfully complete an approved DOD course for underwater swimmers;

(2) Be under orders for diving duty as authorized by the Major Air Command;

(3) Meet the other qualification standards prescribed by current Air Force instructions.

### 11103. Rates Payable

**a. Officers.** Officers assigned to diving duty are entitled to special pay for diving duty at a rate of not more than $200 per month.

(1) Navy officers.

(a) Navy officers assigned to diving duty are entitled to special pay for diving duty at the monthly rates specified below. Entitlement commences on the date of graduation from the requisite diving course or, for the UDT/SEAL Officer (113X designator) rate, on assignment of the Naval Special Warfare Officer (113X) designator.

| | |
|---|---|
| Diving Officer (SCUBA) | $110 |
| Diving Officer | 200 |
| EOD Officer | 200 |
| UDT/SEAL Officer (113X designator) | 200 |
| UDT/SEAL Officer (118X designator) | 110 |
| Undersea Medical (Diving) Officer | 200 |
| Medical Service Corps (Diving) Officer | 200 |
| Ship Salvage Operations Officer<br>(effective 1 Feb 83) | 200 |

(b) Navy officers assigned to and performing diving duty under instruction (DUINS, TEMDUINS, TEMADDUINS) in a diving curriculum will be paid at the rate specified for diving officer (SCUBA). Entitlement commences the date of the officer's first dive. However, if the officer is entitled to a higher rate prescribed in subparagraph a(1)(a) above, the entitlement to the higher rate will continue.

★(2) Marine Corps Officers. Marine Corps officers assigned to duty involving the use of SCUBA equipment are entitled to special pay for diving duty at the rate of $150 per month.

(3) Air Force Officers. Air Force officers assigned to diving duty are entitled to receive special pay for diving duty at the rate of $150 per month.

| | |
|---|---|
| ★(4) Army. Marine Diving Officer (ASI 5V) | $200 |
| ★Combat Diver | $175 |

★Rating applies to officers serving primarily in Special Operations Forces (SOF) Units who are assigned to positions that require Special Forces Underwater Operation Systems qualifications and who hold a Combat Diver rating in accordance with AR 611-75.

**b. Enlisted Members.** Enlisted members assigned to diving duty are entitled to special pay for diving duty at a rate of not more than $300 per month.

(1) Army enlisted members assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

| | |
|---|---|
| Master Diver | $300 |
| Diver First Class | 175 |
| Salvage Diver | 135 |
| Diver Second Class | 100 |
| SCUBA | 100 |
| Combat Diver | 175 |

★Rating applies to enlisted members serving primarily in Special Operations Forces (SOF) units who are assigned to positions that require Special Forces Underwater Operation Systems qualifications and who hold a combat diver rating in accordance with AR 611-75.

(2) Navy:

★(a) Navy enlisted members assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

| | |
|---|---|
| Master Diver (SNEC 5341, 5346) | $ 300 |
| Saturation Diver (SNEC 5311) | 275 |
| Diver First Class (SNEC 5342) | 175 |
| Advanced Underwater Construction Technician (PNEC 5931) | 175 |
| Basic Underwater Construction Technician (PNEC 5932) | 100 |
| Diver Second Class (SNEC 5343) | 100 |
| SCUBA Diver (SNEC 5345) | 100 |
| Medical Deep-Sea Diving Technician (HM-8493) | 175 |
| Medical Deep-Sea Diving Technician (Saturation)(HM-8493, 5311) | 275 |
| Medical Special Operations Technician (HM-8492) | 175 |
| EOD Technician (SNEC 5332, 5333) | 175 |
| EOD Assistant (SNEC 5331) | 100 |
| Combatant Swimmer (SNEC 5321, 5322, 5323, 5324, 5325, 5326, 5327) | 175 |
| Basic Combatant Swimmer (SNEC 5320) | 100 |

(b) Navy enlisted members assigned to and performing diving duty under instruction (DUINS, TEMDUINS, TEMADDUINS) in a diving curriculum will be paid at the rate specified for SCUBA diver (SNEC 5345). Entitlement commences the date of the member's first dive. However, if the member is entitled to a higher rate prescribed in subparagraph b(2)(a) above, entitlement to the higher rate will continue.

(3) Marine Corps. Marine Corps enlisted members assigned to diving duty as SCUBA divers are entitled to receive special pay for diving duty at the rate of $100 per month.

(4) Air Force. Air Force enlisted members assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

| | |
|---|---|
| SCUBA | $100 |
| Pararescue | 150 |

**C. Limitation on Marine Corps Members Assigned to Diving Duty for Pay Purposes.** The number of Marine Corps members entitled to receive special pay for diving may not exceed the total number of officer and enlisted divers authorized for an activity by the Commandant of the Marine Corps.

## 11104. Conditions of Entitlement

See table 1-11-1.

## 11105. Restriction on Payment

**a. Diving Duty Pay and Hazardous Duty Incentive Pay.** When assigned by orders to both diving duty and hazardous duty, a member may be paid special pay for diving duty and one payment of hazardous duty incentive pay under part two, chapter 1, section A or chapter 3 for the same period.

**b. Lapsed Qualifications (Navy, Marine Corps, and Air Force).** No member is entitled to receive special pay for performing diving duty after diving qualifications have lapsed. Upon requalification, payments will not be made for the period of lapsed qualification.

## TABLE 1-11-1

### DIVING DUTY PAY—CONDITIONS OR ENTITLEMENT

| RULE | A | B | C |
|---|---|---|---|
| | When member assigned or detailed to diving duty is | and | then diving pay |
| 1 | Army | performs diving duty during a month | accrues for that month. |
| 2 | Navy, Marine Corps, or Air Force | maintains diving status and current qualification | accrues. |
| 3 | Army | is injured as a result of a diving accident | accrues for month of injury and not more than three succeeding months. |
| 4 | Navy, Marine Corps, or Air Force | is hospitalized as a result of a diving accident | accrues for not more than 90 days while hospitalized (Note 1). |
| 5 | Army | is sick in line of duty not as a result of diving accident | accrues if diving duty is performed during the month. |
| 6 | | is on leave in a pay status | |
| 7 | | is on administrative leave (AR-630-5) | |
| 8 | | is on TDY other than diving duty | |
| 9 | Navy, Marine Corps, or Air Force | is hospitalized not as a result of diving accident | accrues for first 30 days (Note 1). |
| 10 | | is on leave in a pay status | |
| 11 | | is on TAD other than diving duty | |
| 12 | | is on TAD for diving duty purposes | continues to accrue. |
| 13 | | diving qualification lapses | ceases on date of lapse (See paragraph 11105b). |
| 14 | in confinement awaiting trial by court-martial | is acquited or charges are dismissed | accures retroactively to date of confinement. |
| 15 | | is convicted | does not accrue from 1st day of confinement through the day before the date restored to full duty status. |

**TABLE 1-11-1—Continued**

**DIVING DUTY PAY—CONDITIONS OR ENTITLEMENT**

| RULE | A | B | C |
|---|---|---|---|
| | **When member assigned or detailed to diving duty is** | **and** | **then diving pay** |
| 16 | in confinement under sentence of court-martial | | does not accrue from 1st day of confinement through the day before the date restored to full duty status. |
| 17 | reassigned PCS | | accrues through date of detachment from duty station if other conditions are met (Note 2). |
| 18 | member of Reserve Component | is released from active duty | ceases not later than date member departs for home from last duty station. |
| 19 | discharged and immediately reenlists at same station without a break in service | diving duty orders are not specifically terminated | continues to accrue. |
| 20 | | diving duty orders are specifically terminated | ceases on the date stated in the orders. |
| 21 | removed from diving duty | | ceases on date of removal. |

NOTES:
1. Entitlement to diving pay terminates upon detachment from the permanent duty station, or removal from diving duty, or upon lapse of qualification.
2. Entitlement at new station is dependent on orders issued and duty performed at the new station.

# PART ONE

## CHAPTER 12

## SPECIAL PAY FOR NUCLEAR—QUALIFIED OFFICERS

### SECTION A—NUCLEAR CAREER ACCESSION BONUS

### 11201. Entitlement

Naval officers or prospective naval officers accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants are entitled to an accession bonus when they meet the requirements of this chapter and the requirements of SECNAV Instruction 7220.65 series.

### 11202. Eligiblity Requirements

To qualify for the accession bonus under this section unrestricted line officers must:

a. Be entitled to basic pay; and

b. Have not completed 5 years of commissioned service; and

★c. Have been accepted for training leading to qualification for duty involving the supervision, operation, and maintenance of naval nuclear propulsion plants, subject to the following limitations:

(1) For Regular Navy (USN) unrestricted line officers—accepted on or after 1 August 1976 and before 1 October 1987;

(2) For Naval Reserve (USNR) unrestricted line officers—accepted on or after 15 Mar 1977 and before 1 October 1987, and

d. Have, as a commissioned officer, successfully completed training and have been designated qualified for duty involving the supervision, operation, and maintenance of naval nuclear propulsion plants.

### 11203. Computation

a. Unrestricted line officers, or prospective officers who are scheduled to receive an unrestricted line officer commission, who apply for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants, will be entitled to the accession bonus upon successful completion of the nuclear power training program.

b. The amount payable is determined by the Secretary of the Navy and prescribed in SECNAV Instruction 7220.65 series. The amount may not exceed $3,000. When an officer is accepted into the nuclear power training program, the amount payable becomes fixed at that time.

### 11204. Time of Payment

Upon successful completion of the nuclear power training program, the commanding officer of the nuclear power training unit will certify the eligibility of each officer.

### SECTION B—NUCLEAR-QUALIFIED OFFICER EXTENDING PERIOD OF ACTIVE SERVICE (CONTINUATION PAY)

### 11211. Entitlement

Certain nuclear-qualified naval officers are entitled to continuation pay when they meet the requirements of this section and the requirements of SECNAV Instruction 7220.65 series.

### 11212. Eligibility Requirements

To qualify for continuation pay under this section an officer of the naval service must:

a. Be entitled to basic pay; and

b. Have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants; and

c. Have completed less than 10 years of commissioned service; and

★d. On or before 30 Sep 1987, but no earlier than 1 year prior to completion of his existing service requirement, execute a written agreement to remain on active duty as an unrestricted line officer for one period of 4 years in addition to any other period of obligated active service; and

e. Have not previously received either nuclear submarine officer continuation pay or nuclear officer continuation pay except as provided under the continuation pay alternatives in SECNAV Instruction 7220.65 series.

### 11213. Computation

The amount payable is determined semiannually by the Secretary of the Navy. When an officer's agreement is accepted, the total amount payable becomes fixed at that time. The amount may not exceed $7,000 for each year of the active service agreement.

### 11214. Time of Payment

a. When an officer's agreement is accepted before the end of an existing service obligation, continuation pay may be paid:

(1) In five equal annual installments, the first when the agreement is accepted; or

(2) In four equal annual installments, the first when the existing service requirement expires.

b. When an officer's agreement is accepted after an existing service requirement expires, continuation pay is paid in four equal annual installments, the first when the agreement is accepted.

### 11215. Recoupment of Unearned Continuation Pay

An officer who does not complete the full period of 4 years of active duty as agreed may not be paid any unpaid installments of continuation pay. Except under certain conditions prescribed in SECNAV Instruction 7220.65 series an officer must repay the unearned portion of any installments already paid. To arrive at an amount to be recouped reduce the total continuation pay to an amount per month and multiply the monthly amount by the number of months, and fractions of months, for which payment was made that the officer has not served. See SECNAV Instruction 7220.65 series for recoupment criteria.

## SECTION C—NUCLEAR CAREER ANNUAL INCENTIVE BONUS

### 11221. Entitlement

Certain nuclear-qualified naval officers are entitled to an annual incentive bonus when they meet the requirements of this section and the criteria prescribed in SECNAV Instruction 7220.65 series. The entitlement provisions of this section expires on 30 Sep 1987.

### 11222. Eligibility Requirements

To qualify for the annual incentive bonus under this section an officer of the naval service must:

a. Be entitled to basic pay; and

b. Not be above pay grade 0-6; and

c. Not be selected for and not have assumed the rank of Rear Admiral; and

★d. Be currently qualified for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants in accordance with the provisions of BUPERS Instruction 1540.1 series; and

e. Not be serving in a period of obligated service incurred as a result of the acceptance of nuclear officer continuation pay (this does not preclude pro rata payment in accordance with SECNAV Instruction 7220.65 series); and

f. Not be entitled to receive aviation career incentive pay.

### 11223. Computation

The amount payable is determined by the Secretary of the Navy and prescribed in SECNAV Instruction 7220.65 series. The amount may not exceed $6,000 for unrestricted line officers and $3,500 for limited duty officers and warrant officers.

### 11224. Time of Payment

The nuclear officer annual incentive bonus will be paid annually on 30 September to all eligible officers on active duty as of that date. SECNAV Instruction 7220.65 series contains provisions applicable to officers who meet the eligibility requirements for a portion of a preceding year.

## ★SECTION D—NUCLEAR OFFICER ACCESSION BONUS

### 11231. Entitlement

Naval officers or prospective naval officers with less than 5 years' commissioned service who are selected for officer naval nuclear power training and execute a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear power propulsion plants are entitled to a submarine accession bonus of not more than $3,000.

## 11232. Payment

Payment of the nuclear power accession bonus will be in accordance with SECNAV Instruction 7220.65 series.

## 11233. Recoupment

A naval officer or prospective naval officer who has received a nuclear power accession bonus and fails to commence or satisfactorily complete the nuclear power training specified in the agreement with the Secretary of the Navy, for any of the reasons listed below, will be required to refund the entire bonus:

a. Approved request for voluntary release from the written agreement if, due to unusual circumstances, it is determined by the Commander, Naval Military Personnel Command, that such release would be clearly in the best interest of both the Navy and the officer concerned.

★b. Physical disqualification that occurs from nuclear power or submarine physical examinations completed after payment of the bonus.

c. Disability resulting from misconduct, willful neglect, or incurred during a period of unauthorized absence.

d. Separation from the naval service pursuant to an approved court-martial sentence.

★e. Unfitness or misconduct (including misconduct falling under the provisions of SECNAV Instruction 1900.9 and 1920.6 series).

## 11234. Recoupment Exception

If, for any reason other than stated above, the officer fails to maintain eligibility for the nuclear power accession bonus, recoupment of payments already made will not be required. Examples of reasons within the meaning of this paragraph include:

a. Disability, not the result of misconduct, willful neglect, or not incurred during a period of unauthorized absence.

b. Death.

c. Separation from the naval service by operation of laws independent of misconduct.

★d. Physical disqualification occurring after satisfactory completion of nuclear power or submarine physical examinations.

# PART ONE

## CHAPTER 13

## SPECIAL PAY FOR OFFICERS SERVING IN POSITIONS OF UNUSUAL RESPONSIBILITY AND OF A CRITICAL NATURE

### 11301. Entitlement

Certain Navy officers entitled to the basic pay of grade 0–3, 0–4, 0–5 or 0–6 are entitled to special pay while serving in a position of unusual responsibility and of a critical nature as designated by the Secretary of the Navy. This special pay will be referred to as responsibility pay.

### 11302. Rates Payable

The monthly rates of responsibility pay are:

| Pay Grade | Amount |
|---|---|
| 0–6 | $150 |
| 0–5 | 100 |
| 0–4 | 50 |
| 0–3 | 50 |

### 11303. Authorized Payees

Subject to the entitlement condition in paragraph 11301 and the restrictions in paragraph 11304, Navy officers are entitled to responsibility pay while serving as commanding officer or commander of a unit listed in a directive promulgated by the Chief of Naval Operations. Responsibility pay will continue to accrue while on TAD, leave or similar temporary absences from duty where there is no permanent relief.

### 11304. Restrictions

Responsibility pay is not authorized for:

a. Officers temporarily in command.

b. Officers assigned in designated "Officer in Charge" billets other than those promulgated by the Chief of Naval Operations.

c. More than one officer per designated billet, except for the dates of assumption of and relief from command.

# PART ONE

## CHAPTER 14

## SPECIAL PAY—QUALIFIED ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS

### 11401. Conditions of Entitlement

Enlisted members entitled to basic pay are entitled to this special pay if they:

a. Have a specialty designated by the Secretary concerned; and

b. Have completed a tour of duty (as defined by the Secretary concerned) at a location outside the continental United States designated by the Secretary concerned; and

c. At the end of the tour of duty execute an agreement to extend that tour for a period of at least 1 year.

### 11402. Amount

An enlisted member is entitled, after acceptance of the agreement, to special pay for duty performed during an extension executed before, on, or after 1 Jan 1981 at a rate prescribed by the Secretary concerned of not more than $50 per month, provided that no payments may be made for any period of the extension served before 1 Jan 1981.

### 11403. Restriction

An enlisted member who elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of Title 10 is not entitled to the special pay authorized by this chapter for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.

# CHAPTER 15

## SPECIAL CONTINUATION PAY FOR AVIATION CAREER OFFICERS

### ★11501. Entitlement

Navy officers who are pilots or naval flight officers and extend their period of active duty by written agreement after 30 Sep 1984 and before 1 Oct 1985, are entitled to Aviation Officer Continuation Pay (AOCP) when they meet the eligibility requirements of this chapter and SECNAVINST 7220.79 series.

### 11502. Eligibility Requirements

To qualify for continuation pay under this chapter, the officer must:

a. Be entitled to aviation career incentive pay (ACIP);

b. Be in pay grade O-6 or below;

c. Be qualified to perform operational flying duty as defined in paragraph 20122b(3);

d. Have at least 6 years of aviation service as an officer, and at least 6 but less than 11 years of active duty;

e. Be in an aviation specialty designated as critical;

f. Execute a written agreement to remain on active duty in aviation service for either 3 or 4 years, or 6 years if such agreement is executed by an officer who has completed less than 7 years of active duty;

g. Have completed the minimum service required for aviation training; and

h. Have not previously been paid AOCP.

### 11503. Computation

Upon acceptance of an eligible officer's written agreement by the Secretary of the Navy, or the Secretary's designee, the officer is entitled to AOCP in addition to all other compensation to which entitled. The amount payable will not exceed:

a. $4,000 for each year of a 3-year agreement.

b. $6,000 for each year of a 4- or 6-year agreement.

See SECNAVINST 7220.79 series for excact amounts authorized.

### 11504. Time of Payment

AOCP shall be paid on the effective date of an officer's agreement. The Secretary of the Navy may specify that the the continuation bonus be paid in a lump-sum or in equal monthly or annual installments.

### 11505. Recoupment

Recoupment of the unearned portion of AOCP is required on a pro rata basis whenever an officer fails to maintain eligibility or fails to complete the full contractual period of additional obligated military service. However, recoupment is not required if an officer is unable to maintain eligibility or complete the full contractual period of additional obligated military service for any of the following reasons:

a. Separation by operation of laws or by operation of military service or Department of Defense policies.

b. Death or disability (including medical grounding or suspension) which is not the result of misconduct, willful neglect, and not incurred during a period of unauthorized absence.

### 11506. Restriction

An officer may not receive incentive pay under part two, chapter 1, section A, and chapter 3 of this manual for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this chapter and SECNAVINST 7220.79 series. Also, during the period of the agreement the amount of ACIP to which the officer may be entitled is limited to that shown in table 2-1-9.

# ★CHAPTER 16

# ENGINEERING AND SCIENTIFIC CAREER CONTINUATION PAY (ESCCP)

## 11601. Conditions of Entitlement

Officers entitled to basic pay may be paid this ESCCP if they:

a. Are not receiving any other accession or career continuation bonus; and

b. Are below pay grade 0-7; and

c. Hold a degree in engineering or science from an accredited college or university; and

d. Have been certified by the Secretary of the Military Department as technically qualified for detail to engineering or scientific duty; and

e. Have completed at least 3 but less than 14 years' active engineering or scientific duty as a commissioned officer (after completion of 3 years' active service an ESCCP period of obligated service will run concurrently with any other obligated service); and

f. Are serving in or selected for assignment to a critical engineering or scientific military specialty requiring an engineering or scientific degree and are in one of the Armed Forces that has a critical shortage. (Officers attending courses of professional military education or advanced training or education related to their specialty are considered to be serving in engineering or scientific-type duty); and

g. Execute a written agreement to remain on active duty for assignment to engineering or scientific duty for at least 1 year but not more than 4 years.

## 11602. Entitlement Amounts

a. The Secretary of the Military Department may pay ESCCP in either lump sum or yearly installments.

b. The highest amount payable is $3,000 for each year of obligated service for which the officer has agreed to remain on active duty pursuant to paragraph 11601g.

## 11603. Termination and Recoupment

a. Except for officers not qualified because of death, injury, illness, or other impairment incurred in the line of duty and not the result of their own misconduct, entitlement to the full amount of the ESCCP is contingent on maintaining the technical qualifications required for performance of engineering or scientific duty.

b. Except for termination of active duty because of disability incurred in the line of duty, or for termination of military service by operation of laws, or by operation of military service or DOD policies, officers who do not remain on active duty for the entire period for which paid shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made.

c. The Secretary of the Military Department may waive, in whole or in part, the refund if it would be against equity or good conscience or would not be in the best interests of the United States.

d. A discharge in bankruptcy under Title 11, USC, does not relieve an officer from the refund provisions.

e. An officer may not repay voluntarily an amount equal to the percentage of the unserved time on the agreement solely to reduce the period of obligated service required by the agreement.

# PART TWO

# INCENTIVE PAY

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# PART TWO

# INCENTIVE PAY

## CHAPTER 1

## AERIAL FLIGHTS

### SECTION A—HAZARDOUS DUTY INCENTIVE PAY FOR ENLISTED MEMBERS AND NON-RATED/NON-DESIGNATED OFFICERS

### 20101. Entitlement

Members under competent orders to participate in regular and frequent aerial flights as crew or noncrew members, who otherwise meet the requirements of this chapter, are entitled to flying pay for such duty. Aviation cadets are designated as crew members for flying pay purposes. Officers entitled to aviation career incentive pay under section B of this chapter are not entitled to payments under this section.

### 20102. Rates and Definitions

**a. Rates.** Monthly flying rates for enlisted crew members covered by this section are shown in table 2-1-1. Except for HDIP entitlement under paragraph 20115, monthly flying rates for noncrew members are:

| | |
|---|---|
| (1) Officers | $110 |
| (2) Enlisted | 83 |

**b. Definitions.**

(1) Aerial Flights. Aerial flights means flights in military aircraft, or spacecraft and also flights in nonmilitary aircraft when required by competent orders to fly such aircraft. A flight begins when the aircraft, or spacecraft takes off from rest at any point of support located on the surface of the earth and terminates when it next comes to a complete stop at a point of support located on the surface of the earth.

(2) Aviation Accident. Aviation accidents means an accident in which a member who is required to participate frequently and regularly in aerial flights is injured or otherwise incapacitated as the result, as attested by the appropriate medical authority of the uniformed service concerned, of:

(a) Jumping from, being thrown from, or being struck by, an aircraft, or spacecraft, or any part or auxiliary thereof, or

(b) Participation in any duty authorized aerial flight or other aircraft, or spacecraft operations. Such term also means an incapacity incurred as the result, as certified by appropriate medical authority, of performance of flying duty, even though such incapacity is not the result of an actual aviation accident.

### 20103. Flight Requirements

A member in a flying status must perform the minimum aerial flights in a below:

**a. Minimum Flying Time Each Month:**

(1) During 1 calendar month—4 hours of aerial flight. However, if a member does not fly 4 hours in any month, hours flown during the last 5 preceding months, which have not already been used to qualify for flight pay may be applied to meet this 4-hour requirement.

(2) During 2 consecutive calendar months when the requirements of (1) above have not been met—8 hours of aerial flight.

(3) During 3 consecutive calendar months when the requirements of (2) above have not been met—12 hours of aerial flight.

**b. Fractions of a Calendar Month.** For fractions of a calendar month, figure what percentage the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See table 2-1-2)

**c. Fractions of Two Consecutive Calendar Months.** For fractions of two consecutive calendar months, consider the period in question as a unit. Figure what percentage the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See table 2-1-2)

**d. Application of Hours Flown.** Hours flown in any month apply to the extent of hours available:

(1) First, to meet flight requirements for that month.

(2) Next, if the member has entered a grace period for meeting flight requirements, to the prior month or months, as applicable.

(3) Next, in order, to the first, second, third, fourth, and fifth succeeding months, but only to the extent that the member fails, during each such month, to fly the required 4 hours. (Such hours available to meet requirements of later months are referred to as "excess" flight time.) See examples in tables 2-1-4 and 2-1-5.

**e. Military Operations or Unavailability of Aircraft.** When under authority conferred by the Secretary concerned, the commanding officer certifies a member is unable to meet normal flight requirements because military operations (combat or otherwise) or unavailability of aircraft prevents the completion of such requirements, the member may comply with the minimum flight requirements by performing 24 hours of aerial flight over a period of 6 consecutive calendar months. The commanding officer must certify that only conditions under this subparagraph prevent completion of normal flight requirements. The 24-hour flight requirement may be met at any time during the 6-calendar-month period and in any combination of flights.

(1) If the member is in a 3-calendar-month grace period when military operations or unavailability of aircraft prevents fulfillment of flight requirements, the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph begins on the first day of the grace period.

(2) If the member is not in a 3-calendar-month grace period, the first month in which military operations or unavailability of aircraft prevents fulfillment of flight requirements is the beginning of the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph.

(3) During the 6-calendar-month period, hazardous duty incentive pay for flying may be paid for any single month or for multiple months when minimum requirements have been met.

(4) At the end of the 6-calendar-month period, hazardous duty incentive pay for flying may be paid for missed months in the period to the extent the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph d above if member continues to fly under the same orders.

## 20104. Determination of a 3-Calendar-Month Period

**a. When 3-Month Period Starts and Ends.** The 3-calendar-month period in which flight requirements must be met begins with the first month in which flight requirements are not met. If the member flies enough time in the second month to cover the first and second months, the period ends with the second month. If not, the period extends through the third month.

**b. Deficiencies for Fraction of a Month.** If a member fails to qualify for a fraction of a month (because flying status or active duty began on an intermediate day of the month), the 3-month period ends on the last day of the second full month following the fractional month.

**c. When Next 3-Month Period Starts.** A new 3-month period starts with the first month in which flight requirements are not met following a month in which flight requirements were met. For a new 3-month period to begin immediately after a prior 3-month period, flight requirements must have been met for the entire prior 3-month period, not merely for the last month. If the requirements for the entire prior 3-month period were not met, a new period does not begin until flight requirements are met for at least 1 month after the prior 3-month period. After such a month when flight requirements are met, a month in which flight requirements are not met begins a new 3-month period. A new period may not start with the second or third month in which flight requirements are not met; nor may a new period start with the fourth month in which flight requirements are not met. There must be at least 1 month in which requirements are met before a new 3-month period begins. Tables 2-1-4 and 2-1-5 show how the above rules apply.

## 20105. Entitlement to Pay When No Flights Performed in First Month of 3-Month Period

Assume for the purposes of subparagraphs a, b, and c below that the member had no excess flight time from prior months.

**a. Second Month.** If a member performs no aerial flights during the first month of a 3-month period and in the second month performs at least 4 hours but less than 8 hours, member is entitled to pay for the second month only. For example: in January no aerial flights were performed; in February, 5 hours of aerial flights were performed. Flying pay is payable for February.

**b. Third Month.** If a member performs no aerial flights during the first 2 months of a 3-month period, member

must perform 12 hours of aerial flight in the third month to be entitled to incentive pay for all 3 consecutive months. For example: if flight requirements are met for Jan and a member performs no flights during the months of Feb and Mar, he must perform at least 12 hours in Apr to be entitled to receive the incentive pay for the period 1 Feb to 30 Apr. If he performs 4 or more hours, but less than 12 hours in Apr, the member is entitled to incentive pay for Apr only.

c. **First and Third Months.** If a member performs no aerial flights during the first month and in the second month performs only sufficient flights to qualify for the second month, he must perform enough hours of flights to make a total of 12 hours during the third month to qualify for the incentive pay for the first and third month of the 3-month period. For example: in Jan no aerial flights are performed; in Feb 5 hours of aerial flights are performed. The deficiency in Jan must be made up in Mar; that is, if at least 7 hours are accomplished in Mar, flying for Jan and Mar is payable. If only 6 hours are flown in Mar, flying pay is payable for Mar only (payment for Feb having previously been made) and incentive pay for Jan is lost.

## 20106. Injury or Incapacity As a Result of Performance of Hazardous Duty

a. **Flight Requirements.** When a member in a flying status is injured or otherwise incapacitated as a result of performance of flying or other hazardous duty to which ordered, he is considered to have met flight requirements during the incapacity, but for not longer than 3 months. Appropriate medical authority determines the cause of the incapacity and the date of recovery. If the member has met flight requirements for the month in which the incapacity occurs, the 3-month period begins the first day of the following month. If he has not met flight requirements for the month in which the incapacity occurs, the 3-month period begins the first day of the month in which the incapacity occurs.

b. **Change of Station for Medical Treatment.** When a member in receipt of flying pay under the terms of subpara a above is ordered to a medical facility on permanent change of station, temporary duty, or temporary additional duty orders, he is entitled to flying pay for the period of incapacity, but not longer than 3 months, notwithstanding the change of station, provided his continued flying status is not terminated.

c. **Incapacity Due to Shock, Derangement, or Exhaustion.** A member who becomes incapaciated for flying duty by reason of shock, derangement, or exhaustion of the nervous system, which can be attributed to an aviation accident or the performance of aerial flights, is deemed to have met the flight requirements for not more than 3 months following the date of the incapacity, as determined by appropriate medical authority. The 3-month period is determined under the provisions of subpara a above. See also subpara 20102b.

d. **Hazardous Duty for Stated Period.** If a member has been placed on flying status for a definite period and entitled to flying pay while incapacitated as a result of performance of flying duty, flying pay is not normally payable beyond the ending date of the duty period stated in the orders. However, when evidence is furnished that the member would have continued in flying status had it not been for the incapacity, flying pay may be paid beyond the ending date of the duty.

## 20107. Incapacity Not the Result of Performance of Hazardous Duty

The right of a member on flying status to flying pay during incapacity which is not the result of performing hazardous duty depends on fulfillment of flight requirements under para 20103.

## 20108. Right to Flying Pay Under Certain Conditions

See table 2-1-3.

## 20109. Determinations Affecting Entitlement to Flying Pay

a. **Flying Pay From Date of Reporting for Duty.** A member is entitled to flying pay on and after the date he reports for and enters upon duty under competent orders, subject to meeting flight requirements. A member in a nonduty status (such as leave, sick, etc.) at the time his flying status orders are issued, is not entitled to flying pay for any period before he reports for and enters on duty under such orders.

b. **Excess Flight Time.** When authorized under para 20103, flight time in excess of the time required or insufficient to qualify for a particular month may be applied against a later month in which minimum requirements are not met provided that the orders under which flying time was logged remain in effect.

c. **Change of Designation—Noncrew Member to Crew Member or Vice Versa.** A member whose status changes from noncrew member to crew member, or vice versa within a month/unit period may not combine time flown in both categories for pay purposes. He is entitled to flying pay as a noncrew member for the period of time he held that status if he met the prorata requirements as a noncrew member. He is entitled to flying pay as a crew member for the period of time he held that status if he met the prorata requirements as a crew member.

d. **Change from One Crew Member Status to Another Crew Member Status.** Flights as one type of crew member may be combined with flights as another type of crew member if the member remains on continuous active duty and continuous flying status. Total requirements may be met in either crew member status or a portion may be met in each status. Example: Aviation cadet who is given a rating as navigator and issued new flying status orders immediately following termination of former orders.

e. **Missing, Missing-in-Action, Etc.** A member is entitled to flying pay when carried in a missing status as defined in para 40301d and for the period of required hospitalization and rehabilitation, not to exceed 1 year, after termination of his missing status (see para 20114). Members continued in a flying status are entitled to flying pay after termination of the period authorized under para 20114 only if they meet flight requirements in para 20103a. A new 3-month grace period does not start when the period authorized under para 20114 ends; it starts with the month of deficiency, even though the member was in a missing status at that time. Hence, if the missing status goes beyond the 3-month grace period, the member must meet 1 month's flight requirements to become entitled to flight pay after the period authorized under para 20114 ends. If the member does not meet flight requirements after the period authorized under para 20114, he is entitled to prorata flying pay through the date of such authorized period.

f. **Death**

(1) **Death Due to Aviation Accident.** If death occurs on the date of the aviation accident, flying pay accrues to include the date of death. However, if death occurs after the 3-month period has expired, flying pay is not authorized for any day after the expiration of such period. Flying pay for the month or period before the month in which the accident occurred is not authorized unless flight requirements were met for that period.

(2) **Death Due to Other Causes.** If death occurs from causes other than an aviation accident, flying pay is payable to and including the date

of death if the member has met pro rata flight requirements for the month of death and was on flying status.

## 20110. Suspensions From Flying Status—Effect on Flying Pay

**a. Flying Pay for Period of Suspension.** Except under b and c below, a member is not entitled to flying pay for a period while suspended from flying status. A member is considered as suspended on the effective date of suspension. Member is considered as in a flying status on the day the suspension is removed or terminated. Payment for a period of suspension cannot be made in any case until the suspension has been removed or terminated.

**b. Suspension for Other Than Physical Incapacity for Members Required to Perform Minimum Flight Requirements.** Such members are entitled to flying pay for a period of suspension from flying status, provided the suspension is removed or terminated and they meet flight requirements as prescribed in paragraph 20103. If such members have excess flights performed before suspension, the grace period in paragraph 20103 would begin the first month of the period of suspension not covered by excess flights.

**Example.** Members suspended from flying status 1 February. They had 16 hours excess flying time 31 January. Flying pay is stopped 31 January. Suspension is removed (or terminated) 30 June. They flew 12 hours 1-31 July. After removal of suspension, pay flying pay for 1 February through May on basis of the 16 excess hours accumulated in the 5 months before 1 February. Grace period authorized by paragraph 20103 started 1 June. Hours flown in July qualified members for flying pay for June and July.

**c. Suspension for Physical Incapacity of Members Subject to Minimum Flight Requirements.** Members are entitled to flying pay during a period of grounding due to physical incapacity, if flight requirements of paragraph 20103 are met. They are also entitled during a period of suspension, if the suspension is removed or terminated and flight requirements are actually met. (There are no flight requirements during the first 3 months of a period of incapacity incurred as the result of performance of an assigned hazardous duty (paragraph 20106) ).

**d. Suspension Removed or Terminated.** If a suspension is removed or terminated after the member can no longer qualify for flying pay under b or c above, there is loss of pay for any period that is not covered by paragraph 20103. Flying pay accrues after the suspension is removed or terminated for members required to meet minimum flight requirements—from the date of reporting for flying duty after the suspension is removed or terminated, if flight requirements are met.

## 20111. Payment of Flying Pay and Incentive Pay for Other Hazardous Duty

Members who qualify for flying pay and incentive pay for one or more other types of hazardous duty may receive the flying pay and incentive pay for only one other hazardous duty for the same period. Dual hazardous duty incentive pay is limited to those members required by orders to perform specific multiple hazardous duty necessary for successful accomplishment of the mission of the unit to which assigned.

**a. Conditions of Entitlement.** The hazardous duties for which dual incentive pay is made must be an integral part of the member's assigned mission. Accomplishment of the assigned mission must require members to perform specific multiple hazardous duties. Members must meet minimum requirements for each of the hazardous duties except when injury or incapacity as the result of performance of hazardous duty is involved.

**b. Types of Duties That Qualify Member for Dual Payment of Hazardous Duty Incentive Pay.** (See also paragraph 20305b).

(1) Air Force pararescue team members placed on orders to perform duties as both crew members and parachutists.

(2) Other combinations of hazardous duties for which dual payments of incentive pay are authorized by the respective services.

c. **Injury or Incapacity as a Result of Performance of Hazardous Duty or Dual Hazardous Duties.** If members required to perform more than one hazardous duty are injured or otherwise incapacitated as a result of any of the duties, they are entitled to dual incentive pay during the incapacity, but for no longer than 3 months. If not entitled to dual incentive pay at the time of the incapacity, they are entitled to the type of incentive pay they were receiving at the time of the incapacity. The beginning date of the 3-month period must be determined separately for each type of incentive pay. Use paragraph 20106 or table 2-3-1, as applicable, to determine the 3-month period separately for each incentive pay.

### 20112. Restriction on Payment of Flying Pay and Diving Duty Pay

See paragraph 11105a.

### 20112.1 Restriction on Payment of Flying Pay and Aviation Officer Continuation Pay

See paragraph 11506.

### 20113. Authority To Issue Orders

Authority to issue orders requiring performances of flying duty, granting waivers of performance requirements, and/or extending unit periods during which requirements may be met, as appropriate, is delegated by the Secretaries to specific commanders within each service. Such delegations are contained in personnel administrative regulations of the individual services.

### 20114. Missing Status Members Entitlement

A member receiving flying pay when entering a missing status is entitled to flying pay during the period of absence and for the period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of missing status. The member's entitlement to flying pay upon termination of the required period of hospitalization and rehabilitation or the 1 year period after date of return from missing status, whichever is earlier, will be contingent on a determination of continued eligibility under paragraph 20101 and the applicable flight requirement provisions of this chapter.

### 20115. HDIP for Duty as Air Weapons Controller Crew Member

Effective 1 Oct 1981, an officer in pay grade 0-1 through 0-10 under competent orders to participate in frequent and regular aerial flight as an air weapons controller crew member aboard airborne warning and control system aircraft (AWACS) is entitled to HDIP at a monthly rate in table 2-1-8 when requirements of this section are met.

a. An officer entitled to ACIP under section B of this chapter is not entitled to HDIP under this paragraph.

b. A member entitled to HDIP for AWACS duty is not entitled to HDIP for flying.

c. An officer entitled to aviation officer continuation pay is not entitled to HDIP under this paragraph.

## SECTION B—AVIATION CAREER INCENTIVE PAY (ACIP) FOR RATED/DESIGNATED OFFICERS AND WARRANT OFFICERS

### 20121. Entitlement

a. Effective 1 Jun 1974, officers qualified for aviation service under regulations prescribed by the Secretary concerned are entitled to ACIP under the conditions prescribed by this section (Current rates are shown in tables 2-1-6 and 7.) However, an officer qualified for aviation service, except a flight surgeon or other medical officer, who had more than 12 or more than 18 years of aviation service on 31 May 1974 is entitled to continuous ACIP as prescribed by (2) or (4) below, without regard to the operational flying requirements stated therein.

(1) An officer qualified for aviation service (except a flight surgeon or medical officer) is entitled to continuous ACIP starting when the officer enters flight training leading to the original rating or when appointed an officer, whichever is later, and continues until

the officer completes 12 years of aviation service, subject to the 25-year officer service limitation indicated in (4) below.

(2) An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed at least 6 years of operational flying duty upon completion of 12 years of aviation service, is entitled to continuous ACIP for the first 18 years of aviation service, subject to the 25-year officer service limitation indicated in (4) below.

(3) An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed 9 or more years but less than 11 years of operational flying duty upon completion of 18 years of aviation service is entitled to continuous ACIP for the first 22 years of officer service.

(4) An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed at least 11 years of operational flying duty upon completion of 18 years of aviation service, is entitled to continuous ACIP for the first 25 years of officer service. Such entitlement ceases after 25 years of officer service except for warrant officers who are otherwise qualified.

(5) An officer qualified for aviation service who is not entitled to continuous ACIP under subparagraphs (1), (2), (3), or (4) above is entitled to monthly ACIP (otherwise called conditional ACIP) under certain conditions. The officer must be required by competent orders to perform operational flying duties and must meet the minimum flight requirements under paragraph 20123. This subparagraph applies to flight surgeons and other medical officers qualified for aviation service. Entitlement to monthly ACIP is subject to the 25-year officer service limitation except as shown in (6) below.

(6) An officer (other than a warrant officer) below pay grade 0-7 with over 25 years of officer service who is qualified for aviation service and required by competent orders to perform operational flying duties is entitled to monthly (conditional) ACIP for the performance of the minimum flight requirements prescribed in paragraph 20123.

★b. A rated or designated officer qualified for aviation service but not receiving continuous or conditional ACIP under subparagraphs (2), (3), (4), (5), or (6) above may be required by competent orders to perform hazardous duty for flying, not as a crew member, subject to the policy of each military service. When the minimum flight requirements are met under the provisions of section A, this chapter, the officer is entitled to HDIP for flying.

## 20122. Rates and Definitions

**a. Rates.** The rates for ACIP on a continuous basis and the rates for ACIP on a monthly (conditional) basis are the same.

(1) See table 2-1-6 for commissioned officer ACIP rates.

(2) See table 2-1-7 for warrant officer ACIP rates.

**b. Definitions:**

(1) The terms "aerial flights and aviation accident" are defined in paragraph 20102b, section A, this chapter.

(2) Aviation Service as an Officer. For purposes of tables 2-1-6 and 2-1-7, aviation service as an officer begins on the day, month, and year the officer first reports under competent flight orders to the aviation facility having aircraft in which the officer receives flight training leading to the award of an aeronautical rating or designation and continues to accumulate from that date without exceptions as long as the flight rating remains in effect.

(3) Operational Flying. Operational Flying is flying performed by officers in training that leads to the award of aeronautical rating or designation and flying performed under competent orders by rated or designated officers while serving in assignments in which basic flying skills (as determined by the Secretary concerned) normally are maintained in the performance of assigned duties.

(4) Officer Service. Officer service is all active and inactive service as a commissioned, warrant, and flight officer.

## 20123. Flight Requirements for Monthly (Conditional) ACIP

An officer covered by paragraph 20121a(5) must meet the minimum flight requirements of this paragraph to be entitled to monthly (conditional) ACIP.

**a. Minimum Flying Time Each Month:**

(1) During 1 calendar month—4 hours of aerial flight. However, if an officer does not fly 4 hours in any month, hours flown during

the last 5 preceding months which have not already been used to qualify for ACIP may be applied to meet this 4-hour requirement.

(2) During 2 consecutive calendar months when the requirements of (1) above have not been met—8 hours of aerial flight.

(3) During 3 consecutive calendar months when the requirements of (2) above have not been met—12 hours of aerial flight.

**b. Fractions of a Calendar Month.** For fractions of a calendar month, figure what percentage the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See table 2-1-2)

**c. Fractions of Two Consecutive Calendar Months.** For fractions of two consecutive calendar months, consider the period in question as a unit. Figure what percentage the period in question is of a calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See table 2-1-2)

**d. Application of Hours Flown.** Hours flown in any month apply to the extent of hours available:

(1) First, to meet flight requirements for that month.

(2) Next, if the officer has entered a grace period for meeting flight requirements to the prior month or months as explained in paragraph 20125.

(3) Next, in order, to the first, second, third, fourth, and fifth succeeding months, but only to the extent that the officer fails, during each such month, to fly the required 4 hours. (Such hours available to meet requirements of later months are referred to as "excess" flight time). See examples in tables 2-1-4 and 2-1-5.

**e. Military Operations or Unavailability of Aircraft.** When an officer is unable to meet normal flight requirements because military operations (combat or otherwise) or unavailability of aircraft prevents the completion of such requirements, the officer may comply with the minimum flight requirements by performing 24 hours of aerial flight over a period of six consecutive calendar months. The commanding officer must certify that only conditions under this subparagraph prevent completion of normal flight requirements. The 24-hour flight requirement may be met at any time during the 6 calendar-month period and in any combination of flights.

(1) If the officer is in a 3-calendar-month grace period when military operations or unavailability of aircraft prevents fulfillment of flight requirements, the 6-calendar-month period for meeting 24-hour flight requirement under this subparagraph begins on the first day of the grace period.

(2) If the officer is not in a 3-calendar-month grace period, the first month in which military operations or unavailability of aircraft prevents fulfillment of flight requirements is the beginning of the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph.

(3) During the 6-calendar-month period, monthly (conditional) ACIP may be paid for any single month or for multiple months when minimum requirements have been met.

(4) At the end of the 6-calendar-month period, monthly (conditional) ACIP may be paid for missed months in the period to the extent the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph d above if officer continues to fly under the same orders.

## 20124. Determination of a 3-Calendar-Month Period for Entitlement to Monthly (Conditional) ACIP

**a. First Month.** The first month in which an officer fails to meet flight requirements marks the beginning of the initial 3-calendar-month grace period allowed for meeting flight requirements. Succeeding grace periods begin according to subparagraph d below.

**b. Second and Third Month.** If the officer flies enough hours in the second month to cover the first and second months, the grace period ends with the second month. If not, grace period extends through the third month.

**c. Deficiencies for Fraction of a Month.** If the officer fails to qualify for a fraction of a month because flying status or active duty began on an intermediate day of the month, the 3-calendar-month period ends on the last day of the second full month following the fractional month.

**d. When Next 3-Calendar-Month Period Starts.** A new 3-calendar-month period starts on the first day of the month in which flight requirements are not met (month of failure). The foregoing is subject to the following limitations (see tables 2-1-4 and 2-1-5 for examples):

(1) If a month of failure immediately follows a 3-calendar-month period in which all flight requirements were met (not merely for the last month), then a new 3-calendar-month period starts with the month of failure.

(2) However, if a month of failure immediately follows a 3-calendar-month period in which all flight requirements were not met, then a month of failure does not start a new 3-calendar-month period. The officer must meet flight requirements for at least 1 month after which a new 3-calendar-month period may start. (3) After any month in which flight requirements are met following a 3-calendar-month period, a new 3-calendar-month period starts with the next month of failure whether or not requirements were met for the most recent 3-calendar-month period.

## 20125. Entitlement to Monthly (Conditional) ACIP When No Flights Performed in First Month of 3-Calendar-Month Period

Assume for the purpose of subparagraphs a, b, and c below that the officer had no excess flight time from prior months.

**a. Second Month.** If an officer does not fly during the first month of a 3-calendar-month period and in the second month flies at least 4 hours but less than 8 hours, the officer is entitled to conditional ACIP for the second month only. For example: 0 hours flown in January; 7 hours flown in February. Conditional ACIP is due for February.

**b. Third Month.** If an officer does not fly during the first 2 months of a 3-calendar-month period, the officer must fly at least 12 hours in the third month to be entitled to conditional ACIP for more than the third month. For example: 0 hours flown in January; 0 hours flown in February; 12 hours flown in March. Conditional ACIP is due for January, February, and March. Otherwise: 0 hours flown in January; 0 hours flown in February; 10 hours flown in March. Conditional ACIP is due for March only. Excess hours flown in March are carried forward.

**c. First and Third Months.** If an officer does not fly during the first month and in the second month flies only enough hours to qualify for the second month, the officer must fly enough hours in the third month to total 12 hours to qualify for conditional ACIP for the first and third months of the 3-calendar-month period. For example: 0 hours flown in January; 5 hours flown in February; 7 hours flown in March. Conditional ACIP is due for January, February, and March. Otherwise: 0 hours flown in January; 5 hours flown in February; 6 hours flown in March. Conditional ACIP is due for February and March only. Excess hours from February and March are carried forward.

## *20126. Injury or Incapacity as a Result of Performance of Flying Duty

An officer who is medically incapacitated will be considered qualified for aviation service until disqualified for aviation service. Disqualification for medical incapacity will be effected on the first day following a period of 180 days that commences on the date of incapacitation. No entitlement to ACIP exists during a period of disqualification. Entitlement for the period of incapacity before medical disqualification is shown in subparagraphs that follow:

**a. Officer Entitled to Continuous ACIP.** When an officer entitled to continuous ACIP is injured or otherwise incapacitated as a result of flying or as a result of shock, derangement, or exhaustion of the nervous system attributed to an aviation accident or the performance of aerial flight, entitlement continues past the date of incapacitation and through the day before the date of disqualification for aviation service.

**b. Officer Entitled to Monthly (Conditional) ACIP.** Although a medically incapacitated officer who is entitled to monthly (conditional) ACIP remains qualified for aviation service for the 180-day period described above, entitlement for this period is based on the following:

(1) Flight Requirements. When such officer is injured or otherwise incapacitated as a result of the performance of flying duty to which ordered, the officer is considered to have met flight requirements during the incapacity, but for not longer than 3 months. Appropriate medical authority determines the date and cause of incapacity, and the date of recovery. If the officer has met flight requirements for the month in which the incapacity occurs, the 3-month period begins the first day of the following month. If the officer has not met flight requirements for the month in which the incapacity occurs, the 3-month period begins on the first day of the month in which the incapacity occurs. The officer must have logged enough hours to meet minimum flight requirements for the remaining months of the period before disqualification. An officer may not use hours flown after a period of disqualification to meet minimum flight requirements for a period before disqualification.

(2) Change of Station for Medical Treatment. When an officer receiving monthly (conditional) ACIP under subparagraph a above is ordered to a medical facility upon permanent change of station, temporary duty, or temporary additional duty orders, the entitlement to pay continues for the period of incapacity, but not longer than 3 months. (This is true in the case of a change of station provided the officer's orders to fly are not terminated.)

(3) Incapacity Due to Shock, Derangement, or Exhaustion. An officer entitled to monthly (conditional) ACIP who becomes incapacitated for flying duty by reason of shock, derangement, or exhaustion of the nervous system which can be attributed to an aviation accident or the performance of aerial flights is considered to have met the flight requirements for not more than 3 months following the date of the incapacity, as determined by appropriate medical authority. The 3-month period is determined according to subparagraph (1) above.

(4) Flying Duty for Stated Period. When an officer ordered to flying duty for a definite period is entitled to monthly (conditional) ACIP while incapacitated as a result of performing flying duty, the entitlement does not normally extend beyond the ending date of the duty period stated in orders. However, when evidence is furnished that the officer would have continued under orders to fly had it not been for the incapacity, monthly (conditional) ACIP may be paid beyond the ending date of the duty but no longer than 3 months after the incapacity.

## *20127. Incapacity Not the Result of Performance of Flying Duty

An officer who is medically incapacitated will be considered qualified for aviation service until disqualified for aviation service. Disqualification for medical incapacity will be effected on the first day following a period of 180 days that commences on the date of incapacitation. No entitlement to ACIP exists during a period of disqualification. Entitlement for the period of incapacitation before disqualification is shown in subparagraphs that follow:

**a. Officer Entitled to Continuous ACIP.** When an officer who is entitled to continuous ACIP is incapacitated not as the result of performing flying duty, entitlement continues past the date of incapacitation and through the day before the date of disqualification for aviation service.

**b. Officer Entitled to Monthly (Conditional) ACIP.** When an officer who is entitled to monthly (conditional) ACIP is incapacitated not as the result of performing flying duty, continuation of entitlement for the period before disqualification is dependent on the officer meeting the minimum flight requirements under paragraph 20123. (Officer is not entitled to 3-month grace period under paragraph 20126b(1).)

## 20128. Right to ACIP Under Certain Conditions

See table 2-1-3.

## 20129. Determinations Affecting Entitlement to ACIP

**a. From Date of Reporting for Duty (Not Applicable to Continuous ACIP).** An officer entitled to monthly (conditional) ACIP is entitled to such pay on and after the date the officer reports for and enters upon duty under competent orders, subject to minimum flight requirements and the following qualification: An officer in a nonduty status (such as leave, sick, etc.) at the beginning date for a period of flying under competent orders is not entitled to monthly (conditional) ACIP for any period before the officer reports for and enters on duty under such orders.

**b. Excess Flight Time (Not Applicable to Continuous ACIP).** When authorized under paragraph 20123, flight time in excess of the time required or insufficient to qualify a particular month for pay, may be applied against a later month in which minimum requirements are not met—provided that the aeronautical orders under which the flying time was logged remain in effect (that is, continuous flying status exists for member concerned).

**★c. Death Due to Aviation Accident:**

(1) If death occurs on the date of an aviation accident, ACIP (either continuous or conditional) is payable for the month of death through the date of death. Note also the following subparagraph (2).

(2) Entitlement to continuous ACIP for the period before the month in which an aviation accident occurs is continuous. However, entitlement to monthly (conditional) ACIP for the period before the month in which an aviation accident occurs is subject to minimum flight requirements. Therefore, a situation may exist in which monthly (conditional) ACIP is payable according to subparagraphs (1), (3), or (5) of this paragraph, but not for the period immediately before the officer's aviation accident.

(3) If death occurs within the 3-month grace period under paragraph 20126, ACIP (either continuous or conditional) is payable from the month of medical incapacitation through the date of death.

(4) If death occurs after the expiration of the 3-month grace period under paragraph 20126 and before the first day following the 180-day period described in paragraph 20126, continuous ACIP is payable through the date of death.

(5) If death occurs after the expiration of the 3-month grace period under paragraph 20126 and before the first day following the 180-day period described in paragraph 20126, monthly (conditional) ACIP is payable through the 3-month period; it is payable after the 3-month period through the date of death to the extent excess flying hours are available for application.

(6) If death occurs on or after the first day following the 180-day period described in paragraph 20126, continuous ACIP is payable through the 180-day period.

(7) If death occurs on or after the first day following the 180-day period described in paragraph 20126, monthly (conditional) ACIP is payable after the 3-month period through the 180-day period to the extent excess flying hours are available for application.

**★d. Death Due to Other Causes:**

(1) If death occurs from causes other than an aviation accident and the date of death is also the date of medical incapacitation, continuous ACIP is payable through the date of death; monthly (conditional) ACIP is payable through the date of death, subject to minimum flight requirements.

(2) If death occurs from causes other than an aviation accident and the date of death is before the first day following the 180-day period described in paragraph 20126, continuous ACIP is payable through the date of death; monthly (conditional) ACIP is payable to the extent excess flying hours are available for application.

(3) If death occurs from causes other than an aviation accident and the date of death is on or after the first day following the 180-day period described in paragraph 20126, continuous ACIP is payable through the 180-day period; monthly (conditional) ACIP is payable through the 180-day period to the extent excess flying hours are available for application.

## 20130. Disqualification for Aviation Service, Suspension of Aviation Service

Periods of disqualification and/or suspension are established by competent orders.

**a. Disqualification.** An officer may be disqualified for aviation service for medical or professional reasons according to regulation of the service concerned. (In the case of disqualification for medical reasons, the following applies for all services: Disqualification for medical incapacity will be effected on the first day following a period of 180 days that commences on the date of incapacitation.) ACIP is not authorized on any basis for any period during which an officer is disqualified for aviation service. After a period of disqualification, entitlement to ACIP resumes as follows:

(1) Officer Entitled to Continuous ACIP. Entitlement resumes on the date the officer is again qualified for aviation service. (For example, officer requalified on the 20th—is entitled to 11/30 of ACIP for a month.)

(2) Officer Entitled to Monthly (Conditional) ACIP. Minimum flight requirements must be met beginning with the date the officer is again qualified for aviation service. (For example, officer requalified on the 16th and flies 2 or more hours—is entitled to 15/30 of ACIP for month.) An officer may not use hours flown after a period of disqualification to meet minimum flight requirements for a period before disqualification.

**b. Suspension:**

(1) An officer is suspended by competent orders to permit temporary termination of aviation service when the status of future aviation service is uncertain.

(2) When the officer's status as suspended is removed, the officer is either disqualified for aviation service or again qualified for aviation service.

**c. Entitlement to ACIP for a Period of Suspension Changed to Disqualified.** ACIP (continuous or conditional) to which an officer would otherwise be entitled is stopped during a period of suspension starting with the effective date of suspension in competent orders. If the suspended status is resolved so that the officer is disqualified for aviation service, no entitlement to ACIP exists for the period of disqualification. (The effective date for disqualification must be the same as the effective date for suspension.)

**d. Entitlement to ACIP for Period of Suspension Changed to Qualified.** ACIP (continuous or conditional) to which an officer would otherwise be entitled is stopped during a period of suspension starting with the effective date of suspension in competent orders. If the suspended status is resolved so that the officer is qualified for aviation service, entitlement to ACIP is based on subparagraphs (1) and (2) below. (The effective date for qualification must be the same as the effective date for suspension.)

(1) Officer Entitled to Continuous ACIP. The officer is entitled to continuous ACIP beginning with the date the officer is again qualified for aviation service.

(2) Officer Entitled to Monthly (Conditional) ACIP. Subject to the minimum flight requirements of paragraphs 20123 and 20124, the officer is entitled to monthly (conditional) ACIP beginning with the date the officer is again qualified for aviation service.

## 20131. Concurrent Entitlement to ACIP and Hazardous Duty Incentive Pay (HDIP)

Officers who are entitled to ACIP may also be entitled to HDIP under the provisions of chapter 3 of this part if the conditions for entitlement have been met independently. Entitlement to HDIP is limited to no more than two payments for the same period of time officers qualify for more than one payment of that pay. (See paragraph 20305.)

## 20132. Authority to Issue Orders

Authority to issue orders requiring performance of flying duty, granting waivers of performance requirements, and/or extending unit periods during which requirements may be met, as appropriate, is delegated by the Secretaries to specific commanders within each service. Such delegations are contained in personnel administrative regulations of the individual services.

## 20133. Missing, Missing-in-Action, Officer's Entitlement

**a. General.** An officer receiving ACIP at the beginning of a period of missing status is entitled to ACIP during the entire period of absence and also (if applicable) for the period, not to exceed 1 year, required for hospitalization and rehabilitation after missing status ends. (For the purpose of this paragraph, an officer entitled to conditional ACIP is considered to be receiving ACIP when under competent orders to perform flying duty whether or not the officer has met the minimum flight requirements.)

**b. Officer Entitled to Continuous ACIP.** Entitlement to continuous ACIP upon termination of the period of absence or (if applicable) termination of the period, not to exceed 1 year, required for hospitalization and rehabilitation is contingent **only** upon continued eligibility under paragraph 20121.

**c. Officer Entitled to Monthly (Conditional) ACIP.** Entitlement to monthly (conditional) ACIP upon termination of the entire period of absence or (if applicable) termination of the period, not to exceed 1 year, required for hospitalization and rehabilitation is contingent upon continued eligibility under paragraph 20121. In addition, the officer must again meet minimum flight requirements subject to the following:

(1) The 3-calendar-month grace period for meeting minimum flight requirements does not start when the period authorized under a above ends; instead, it starts with the first month of missing status in which the officer does not fly. Therefore, if the officer has met flight requirements for the month in which the missing status begins, the next calendar month is designated as the first month of a 3-calendar-month grace period. If the officer has not met flight requirements for the month in which the missing status begins, that month is designated as the first month of a 3-calendar-month grace period for meeting minimum flight requirements. (This applies even though under later application of paragraph 20124, the month so designated is considered to be a month in which requirements are met based on performance-free entitlement due to missing status.)

(2) If the missing status is terminated before the end of the 3-calendar-month period started according to (1) above, the officer must meet flight requirements for the month(s) not covered by performance-free entitlement. If the officer fails to complete requirements for this entire 3-calendar-month period, the officer must meet flight requirements for 1 month following such 3-calendar-month period before a new 3-calendar-month period may start.

(3) If the missing status is terminated after or at the end of the 3-calendar-month period started according to (1) above, the officer is considered to have met all flight requirements for the 3-calendar-month period plus any additional months of missing status by performance-free entitlement due to missing status. Therefore, a new 3-calendar-month period starts with the first month in which flight requirements are not met after the period authorized under a above ends.

**d. Excess Flight Time.** Excess flight time accumulated by the officer before a missing status may be applied to months following the months covered by performance-free entitlement if the period authorized under a above is terminated within the 5-calendar-month period permitted by paragraph 20123.

★TABLE 2-1-1

FLYING ENLISTED CREW MEMBER INCENTIVE PAY RATES (EFFECTIVE 1 OCTOBER 1981)

| Pay Grade | Years of Service | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 2 or Less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 |
| E–9 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 |
| E–8 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 |
| E–7 | 100.00 | 106.00 | 106.00 | 106.00 | 113.00 | 119.00 | 131.00 | 131.00 | 131.00 |
| E–6 | 88.00 | 94.00 | 94.00 | 100.00 | 106.00 | 113.00 | 119.00 | 119.00 | 125.00 |
| E–5 | 83.00 | 88.00 | 88.00 | 100.00 | 100.00 | 106.00 | 113.00 | 119.00 | 119.00 |
| E–4 | 83.00 | 83.00 | 83.00 | 88.00 | 94.00 | 100.00 | 100.00 | 100.00 | 100.00 |
| E–3 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 |
| E–2 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 |
| E–1 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 |
| Aviation Cadets | 83.00 | | | | | | | | |

TABLE 2-1-1—Continued.

| Pay Grade | Years of Service | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 | Over 28 | Over 30 | |
| E–9 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | $131.00 | |
| E–8 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | |
| E–7 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | 131.00 | |
| E–6 | 125.00 | 125.00 | 125.00 | 125.00 | 125.00 | 125.00 | 125.00 | 125.00 | |
| E–5 | 119.00 | 119.00 | 119.00 | 119.00 | 119.00 | 119.00 | 119.00 | 119.00 | |
| E–4 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | |
| E–3 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | |
| E–2 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | |
| E–1 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | 83.00 | |
| Aviation Cadets | | | | | | | | | |

TABLE 2-1-2

**TIME OF AERIAL FLIGHT REQUIRED FOR FRACTIONAL PART OF MONTH**

| | Hours of Aerial Flight | | | Hours of Aerial Flight | |
|---|---|---|---|---|---|
| Days | Active Duty | Inactive duty | Days | Active Duty | Inactive duty |
| 1 | .2 | .1 | 16 | 2.2 | 1.1 |
| 2 | .3 | .2 | 17 | 2.3 | 1.2 |
| 3 | .4 | .2 | 18 | 2.4 | 1.2 |
| 4 | .6 | .3 | 19 | 2.6 | 1.3 |
| 5 | .7 | .4 | 20 | 2.7 | 1.4 |
| 6 | .8 | .4 | 21 | 2.8 | 1.4 |
| 7 | 1.0 | .5 | 22 | 3.0 | 1.5 |
| 8 | 1.1 | .6 | 23 | 3.1 | 1.6 |
| 9 | 1.2 | .6 | 24 | 3.2 | 1.6 |
| 10 | 1.4 | .7 | 25 | 3.4 | 1.7 |
| 11 | 1.5 | .8 | 26 | 3.5 | 1.8 |
| 12 | 1.6 | .8 | 27 | 3.6 | 1.8 |
| 13 | 1.8 | .9 | 28 | 3.8 | 1.9 |
| 14 | 1.9 | 1.0 | 29 | 3.9 | 2.0 |
| 15 | 2.0 | 1.0 | 30–31 | 4.0 | 2.0 |

★TABLE 2-1-3

RIGHT TO FLYING PAY OR ACIP UNDER CERTAIN CONDITIONS

| R<br>U<br>L<br>E | A | B | C | D |
|---|---|---|---|---|
| | **When a member in flying status is** | **and** | **and** | **then flying pay** |
| 1 | sick in line of duty | flying status orders remain in effect | member meets or has met flight requirements or flight requirements do not apply | continues for the period of illness. |
| 2 | on authorized leave in a pay status | | | continues for the period of leave (note 1). |
| 3 | on TDY | | | continues for the TDY period. |
| 4 | in a travel status (including authorized delay en route) on change of station | | | continues for the period of travel. |
| 5 | a reservist released from active duty of more than 30 days | orders are not issued directing relief from all assigned duties | member has met flight requirements | continues for the period of allowable travel time home (note 2). |
| 6 | discharged and immediately reenlists at the same station without a break in service | flying status orders are not specifically terminated | | entitlement is determined as if there had been no discharge. |
| 7 | | flying status orders are specifically terminated | | ceases on the date stated in orders. |
| 8 | incapacitated as a result of performance of flying duty | | | is payable as indicated in paras 20106 or 20126. |

|  |  |  |  |  |
|---|---|---|---|---|
| 9 | an enlisted crewmember whose flight orders include a termination date | is involuntarily removed from flying duty (note 3) | was given less than 120 days advance notice of removal from flying duty (note 4) | continues either for 120 days after the date on which notified of such removal or until the original flight orders termination date, whichever occurs first, without regard to the flight requirements of para 20103. |
| 10 | an enlisted crewmember whose flight orders do not include a termination date |  |  | continues for 120 days after the date on which notified of such removal without regard to the flight requirements of para 20103. |

NOTES:
1. Do not count flights performed while on leave for pay purposes.
2. Do not pay flying pay beyond the last day of the calendar month for which requirements are met.
3. A member is not considered to be involuntarily removed from flying duty upon separation, confinement, relief for cause, reduction in grade, medical unfitness, absence without leave, or transfer to ground duty at own request.
4. Advance notice of removal from flying duty shall be issued by competent authority in writing. Advance notice may be provided verbally if a suitable memorandum for the record is made and is later followed by written notification.

TABLE 2–1–4

FLIGHT EXAMPLES—INVOLVING BASIC THREE-MONTH GRACE PERIODS

| Month | Example 1 | | Example 2 | | Example 3 | | Example 4 | | Example 5 | | Example 6 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Hours | Entitled | Hours | Entitled | Hours | Entitled | Hours | Entitled | Hours | Entitled | Hours | Entitled |
| January | 4 | Yes [1] | 4 | Yes [1] | 4 | Yes [1] | 4 | Yes [1] | 4 | Yes [1-7] | 2 | Yes [7-9] |
| February | 0 | No [2] | 0 | No [2] | 0 | Yes [2-5] | 0 | Yes [2-6] | 0 | Yes [9] | 0 | Yes [9] |
| March | 4 | Yes [1] | 0 | No | 0 | Yes [5] | 8 | Yes [1] | 0 | Yes [9] | 0 | Yes [9] |
| April | 0 | No [3] | 4 | Yes [1] | 12 | Yes [1] | 0 | Yes [2-5] | 0 | Yes [9] | 0 | No [3] |
| May | 0 | No [4] | 0 | No [4] | 0 | Yes [2-5] | 0 | Yes [5] | 0 | Yes [2-5] | 0 | Yes [10] |
| June | 4 | Yes [1] | 0 | No | 0 | Yes [5] | 12 | Yes | 0 | Yes [5] | 7 | Yes [1] |
| July | 4 | Yes [1] | 4 | Yes [1] | 12 | Yes [1] | | | 12 | Yes [1] | | |
| August | 0 | No [2-8] | 0 | No [2-8] | 0 | No [2-8] | | | | | | |

NOTES:
1. Entitled to incentive pay based on that month's flights.
2. Begins a 3-month grace period.
3. New 3-month period does *not* begin, since this is last month of first 3-month period.
4. New 3-month period does *not* begin, since flight requirements were not met for previous entire period.
5. Entitled to incentive pay based on 3-month period.
6. Entitled to incentive pay based on 2-month period.
7. Injured in aircraft accident.
8. Not entitled to incentive pay, unless sufficient flights performed in following 1- or 2-month period.
9. Free entitlement period.
10. Based on 2 unused hours from January, and 2 hours from June.

### TABLE 2-1-5

### FLIGHT EXAMPLES INVOLVING THREE-MONTH PERIODS AND EXCESS TIME

| Month | Hours Flown | En-title-ment | Based on Hours Flown During | Excess and Unused Hours | | Pertinent Factors |
|---|---|---|---|---|---|---|
| | | | | That Month | Accum. | |
| 16–31 Jan | 3.3 | Yes | Jan | 1.3 | 1.3 | Placed on Flying Status 16 Jan |
| Feb | 0 | Yes | Jan 1.3; Mar 2.7 | 0 | 0 | |
| Mar | 6.7 | Yes | Mar | 0 | 0 | |
| Apr | 9 | Yes | Apr | 5 | 5 | |
| May | 5.5 | Yes | May | 1.5 | 6.5 | |
| Jun | 0 | Yes | Apr | 0 | 2.5 | |
| Jul | 1.5 | Yes | Jul 1.5; Apr 1; May 1.5 | 0 | 0 | |
| Aug | 2 | No | (Note 1) | 2 | 2 | |
| Sep | 4 | Yes | Sep | 0 | 2 | |
| Oct | 5 | Yes | Oct | 1 | 3 | |
| Nov | 0 | No | (Note 2) | 0 | 3 | |
| Dec | 3 | Yes | Dec 3; Aug 1 | 0 | 2 | |
| Jan | 10 | Yes | Jan | 6 | 8 | |
| Feb | 0 | Yes | Jan 3; Oct 1 | 0 | 3 (1 Aug lost) | |
| Mar | 0 | Yes | Jan 3; May 1 | 0 | 0 | |
| Apr | 0 | Yes | May 4 | 0 | 0 | |
| May | 10 | Yes | May | 1 | 1 | |
| Jun | 0 | Yes | Aug 3; May 1 | 0 | 0 | |
| Jul | 0 | Yes | Aug 4 | 0 | 0 | |
| Aug | 17 | Yes | Aug | 6 | 6 | |
| Sep | 0 | Yes | Aug 4 | 0 | 2 | |
| Oct | 2 | Yes | Oct 2; Aug 2 | 0 | 0 | |
| Nov | 12 | Yes | Nov | 8 | 8 | Suspended 1 Dec |
| Dec | 0 | Yes | Nov 4 (Note 3) | 0 | 4 | |
| Jan | 0 | Yes | Nov 4 (Note 3) | 0 | 0 | |
| Feb | 0 | No | (Note 4) | 0 | 0 | |
| Mar | 0 | No | | 0 | 0 | Suspension ended 1 May |
| Apr | 0 | No | | 0 | 0 | |
| May | 4 | Yes | May | 0 | 0 | |
| Jun | 30 | Yes | Jun | 26 | 26 | Physically incapaci-tated 20 Jun |
| Jul | 0 | Yes | Jun 4 | 0 | 22 | |
| Aug | 0 | Yes | Jun 4 | 0 | 18 | |
| Sep | 0 | Yes | Jun 4 | 0 | 14 | |
| Oct | 0 | Yes | Jun 4 | 0 | 10 (Note 3) | Suspended 1 Oct (6 hrs lost) |
| Nov | 0 | Yes | Jun 4 | 0 | 6 (Note 3) | |
| Dec | 0 | No | | 0 | 0 | |

**TABLE 2-1-5—Continued**

| Month | Hours Flown | Entitlement | Based on Hours Flown During | Excess and Unused Hours | | Pertinent Factors |
|---|---|---|---|---|---|---|
| | | | | That Month | Accum. | |
| Jan | 0 | No | | 0 | 0 | |
| Feb | 0 | No | | 0 | 0 | |
| Mar | 0 | No | | 0 | 0 | |
| Apr | 9 | Yes | Apr | 5 | 5 | Suspension ended 1 Apr |

NOTES:
1. No excess hours available from previous five months and deficiency not made up within two following months.
2. Insufficient excess hours available from previous five months. New 3-month period does not begin since requirements were not met for entire 3-month period of Aug-Oct.
3. Payment made after the suspension ended.
4. Three-month grace period expired before suspension ended.

**★TABLE 2-1-6**

**MONTHLY INCENTIVE PAY RATES (EFFECTIVE 1 OCT 1981—RATED OFFICERS, FLIGHT SURGEONS AND OTHER DESIGNATED MEDICAL OFFICERS (Note 1)**

**PHASE I**

| Monthly rate | Years of aviation service (including flight training) as an officer |
|---|---|
| $125 | 2 or less. |
| $156 | Over 2. |
| $188 | Over 3. |
| $206 | Over 4. |
| $400 | Over 6. |

**PHASE II**

| Monthly Rate | Years of Service as an Officer as Computed Under 37 U.S.C. 205 |
|---|---|
| $370 | Over 18. |
| $340 | Over 20. |
| $310 | Over 22. |
| $280 | Over 24. |
| $250 | Over 25. |

NOTE 1:

a. A rated officer in pay grade 0–7 may not be paid incentive pay at a rate greater than $200 per month.

b. A rated officer in pay grade 0–8 or above may not be paid incentive pay at a rate greater than $206 per month.

c. Officer with more than 18 years of officer service and less than 6 years aviation service are entitled to Phase I rates.

d. An officer who receives aviation officer continuation pay (AOCP) under chapter 15, Part One, DODPM, is not entitled to ACIP during the same period at rates that exceed the rates effective 30 Sep 1981 (See table 2–1–9).

**★TABLE 2-1-7**

**MONTHLY INCENTIVE PAY RATES (EFFECTIVE 1 SEP 1980—RATED OR DESIGNATED WARRANT OFFICERS**

| Monthly rate | Years of aviation service as an officer |
|---|---|
| $125 | 2 or less. |
| $156 | Over 2. |
| $188 | Over 3. |
| $206 | Over 4. |
| $400 | Over 6. |

★Table 2–1–8

AIR WEAPONS CONTROLLER CREW MEMBER INCENTIVE PAY RATES—EFFECTIVE 1 OCTOBER 1981

| Pay Grade | Years of Service as an Air Weapons Controller | | | | | | |
|---|---|---|---|---|---|---|---|
| | 2 or Less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
| 0–7 and above | $200 | $200 | $200 | $200 | $200 | $200 | $200 |
| 0–6 | 225 | 250 | 300 | 325 | 350 | 350 | 350 |
| 0–5 | 200 | 250 | 300 | 325 | 350 | 350 | 350 |
| 0–4 | 175 | 225 | 275 | 300 | 350 | 350 | 350 |
| 0–3 | 125 | 156 | 188 | 206 | 350 | 350 | 350 |
| 0–2 | 125 | 156 | 188 | 206 | 250 | 300 | 300 |
| 0–1 | 125 | 156 | 188 | 206 | 250 | 250 | 250 |

Table 2-1-8—Continued

| Pay Grade | Years of Service as an Air Weapons Controller | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 25 |
| 0-7 and above | $200 | $200 | $200 | $200 | $200 | $200 | $200 | $110 |
| 0-6 | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| 0-5 | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| 0-4 | 350 | 350 | 350 | 350 | 300 | 250 | 250 | 225 |
| 0-3 | 350 | 350 | 350 | 300 | 275 | 250 | 225 | 200 |
| 0-2 | 300 | 300 | 300 | 275 | 245 | 210 | 200 | 180 |
| 0-1 | 250 | 250 | 250 | 245 | 210 | 200 | 180 | 150 |

**★TABLE 2-1-9**

**MONTHLY ACIP RATES FOR RATED OFFICERS IN RECEIPT OF AOCP**

**Phase I**

| Monthly Rate | Years of Aviation Service (Including Flight Training as an Officer |
|---|---|
| $125 | 2 or less |
| $156 | Over 2 |
| $188 | Over 3 |
| $206 | Over 4 |
| $306 | Over 6 |

**PHASE II**

| Monthly Rate | Years of Service as an Officer as Computed Under 37 U.S.C. 205 |
|---|---|
| $281 | Over 18 |
| $256 | Over 20 |
| $231 | Over 22 |
| $206 | Over 24 |
| 000 | Over 25 |

# CHAPTER 2

# SUBMARINE DUTY PAY

## SECTION A—INCENTIVE PAY FOR OPERATIONAL SUBMARINE DUTY

### 20201. Entitlement

Effective 1 Jan 1981, a member of the Navy who is entitled to basic pay but is not entitled to continuous monthly submarine duty incentive pay under section B of this chapter, is entitled to submarine duty incentive pay for the frequent and regular performance of operational submarine duty required by orders (including a submarine of a foreign nation.)

### 20202. Rates

a. The monthly rates of submarine duty pay for commissioned officers are in table 2–2–3.

b. The monthly rates of submarine duty pay for warrant officers are in table 2–2–4.

c. The monthly rates of submarine duty pay for enlisted members are in table 2–2–5.

### 20203. Definitions

a. The term "operational submarine duty" means duty—

(1) While attached under competent orders to a submarine;

(2) While serving as an operator or crew member of an operational submersible (including an undersea exploration or research vehicle);

(3) While undergoing training preliminary to assignment to a nuclear-powered submarine;

(4) While undergoing rehabilitation after assignment to a nuclear-powered submarine; or,

(5) In the case of a member qualified in submarines, while attached as a member of a submarine operational command staff whose duties require serving on a submarine during underway operations:

(a) During 1 calendar month—48 hours. However, hours served underway in excess of 48 hours as a member of a submarine operational command staff during any of the immediately preceding 5 calendar months and not already used to qualify for incentive pay may be applied to satisfy the 48-hour underway time requirements for the current month.

(b) During any 2 consecutive calendar months, when requirements have not been met for the first month—96 hours.

(c) During any 3 consecutive calendar months, when requirements have not been met for the first 2 months—144 hours.

(6) While receiving instruction to prepare for assignment to a submarine of advanced design, or

(7) While receiving instruction to prepare for a position of increased responsibility on a submarine.

b. The term "submarine service" means the service performed, under regulations prescribed by the Secretary of the Navy, by a member, and the years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

### 20204. Submarine Duty Pay Start and Stop Dates

See table 2–2–1.

### 20205. Submarine Operational Command Staff Members

a. General rules for meeting underway time requirements, including determination of a 2 or 3-month grace period, are substantially the same as those for flying pay (see chapter 1, this part).

b. For fractional part of a calendar month, or fractional parts of 2 consecutive calendar months (duty begins in 1 month and ends in the following month), the underway time required, based on the requirement of 48 hours for a calendar month, will be determined from table 2–2–2.

### 20206. Temporary Additional Duty or Authorized Leave

A member who is entitled to submarine duty pay retains entitlement during periods of temporary additional duty or authorized leave. However, a submarine operational command staff member is required to fulfill the underway time requirements to retain entitlement during such periods if not otherwise entitled to continuous monthly submarine duty pay in accordance with section B of this chapter.

## 20207. Missing Status Members Entitlement

A member receiving submarine duty pay when entering a missing status as defined in the Glossary of Terms is entitled to submarine duty pay during the period of absence and for the period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of missing status. The member's entitlement to submarine duty pay upon termination of the required period of hospitalization and rehabilitation or the 1-year period after date of return from missing status, whichever is earlier, will be contingent on a determination of continued eligibility under paragraph 20201.

## 20208. Restriction

An officer who fails selection for assignment as an executive officer or commanding officer of a submarine or who declines to serve in either such position may not be paid submarine duty pay except for periods during which such officer is serving on a submarine during underway operations.

## SECTION B—CONTINUOUS MONTHLY SUBMARINE DUTY PAY FOR SUBMARINE SERVICE MEMBERS

## 20211. Entitlement

Effective 1 Jan 1981, a member of the submarine service (as defined in paragraph 20203b) is entitled to continuous monthly submarine duty pay as follows:

★a. Through 26 years of service (as computed under 37 U.S.C. 205, except in the case of an officer, periods as an enlisted member before initial appointment as an officer are excluded), a member must perform operational submarine duties for at least 6 of the first 12, and at least 10 of the first 18, years of submarine service. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of submarine service, such member is entitled to continuous monthly submarine duty pay for the first 22 years of service (as computed under 37 U.S.C. 205).

★b. If upon completion of either 12 or 18 years of submarine service it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed periods of time, entitlement to continuous monthly submarine duty pay ceases. If entitlement to continuous monthly submarine duty pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in this section. However, if entitlement to continuous monthly submarine duty pay ceases in the case of any member at the completion of either 12 or 18 years of submarine service or 26 years of service (as computed under 37 U.S.C. 205, except in the case of an officer, periods as an enlisted member before initial appointment as an officer are excluded), such member shall be entitled to that pay in the amount set forth in section A of this chapter for the performance of service as a member of a submarine operational command staff, if such member's duties require serving on a submarine during underway operations.

## 20212. Rates

The monthly rates of submarine duty pay are the same as indicated in paragraph 20202.

## 20213. Missing Status Members Entitlement

The provisions of paragraph 20207 are also applicable to submarine duty pay entitlement under this section.

## 20214. Restriction

An enlisted member may not be paid continuous submarine duty pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.

TABLE 2-2-1

SUBMARINE DUTY PAY—START AND STOP DATES

| R<br>U<br>L<br>E | A | B | C | D |
|---|---|---|---|---|
| | If member under orders for submarine duty is | and | then credit for incentive pay begins on | continues |
| 1 | attached to a submarine | | day of reporting for duty | through day of detachment. |
| 2 | assigned as prospective crew member of submarine under construction | | | |
| 3 | attached to a nuclear-powered submarine manned by two crews or a crew and an augment crew (notes 1 and 2) | | day of reporting to on-ship or off-ship crew for duty | |
| 4 | undergoing instruction to qualify for duty on submarine of advanced design or for duty with increased responsibility (note 3) | | day class convenes | through last day of instruction. |
| 5 | injured or incapacitated as a result of performing submarine duty | remains assigned to submarine duty | | through date of detachment. |
| ★6 | | is transferred to a medical facility on temporary additional duty orders for treatment | | for not more than 5 months after date of the incapacity, as determined by medical authorities. |
| ★7 | | is reassigned PCS to a medical activity for treatment during the 5-month period | | through day of detachment only. |

NOTES:

1. Attachment to a submarine means duty as a crew member either on board the submarine or on duty ashore during periods of rehabilitation after reporting for permanent duty as a crew member, whether to the on-ship or off-ship crew.

2. When an off-crew member in a training and rehabilitation status performs travel in connection with a change of home port of his submarine by means other than the submarine, his entitlement to submarine pay continues during his period in transit.

3. This rule also applies to officers, who previously qualified in submarines as enlisted members, while attending the following: (a) Submarine Officers' Basic Course or Submarine Officers' Indoctrination Course, for the specific purpose of preparing for a position in a nuclear-powered submarine, or (b) a course of instruction, published in SECNAV Instruction 7220.48 series, specifically preparing them for positions of increased responsibility in nuclear-powered submarines.

**TABLE 2–2–2**

### SUBMARINE OPERATIONAL COMMAND STAFF MEMBERS UNDERWAY TIME REQUIRED FOR FRACTIONAL PART OF MONTH

| Days | Underway Time | | Days | Underway Time | |
|---|---|---|---|---|---|
| | Hours | Minutes | | Hours | Minutes |
| 1 ......... | 1 | 36 | 16 ......... | 25 | 36 |
| 2 ......... | 3 | 12 | 17 ......... | 27 | 12 |
| 3 ......... | 4 | 48 | 18 ......... | 28 | 48 |
| 4 ......... | 6 | 24 | 19 ......... | 30 | 24 |
| 5 ......... | 8 | 00 | 20 ......... | 32 | 00 |
| 6 ......... | 9 | 36 | 21 ......... | 33 | 36 |
| 7 ......... | 11 | 12 | 22 ......... | 35 | 12 |
| 8 ......... | 12 | 48 | 23 ......... | 36 | 48 |
| 9 ......... | 14 | 24 | 24 ......... | 38 | 24 |
| 10 ......... | 16 | 00 | 25 ......... | 40 | 00 |
| 11 ......... | 17 | 36 | 26 ......... | 41 | 36 |
| 12 ......... | 19 | 12 | 27 ......... | 43 | 12 |
| 13 ......... | 20 | 48 | 28 ......... | 44 | 48 |
| 14 ......... | 22 | 24 | 29 ......... | 46 | 24 |
| 15 ......... | 24 | 00 | 30–31 ...... | 48 | 00 |

**★TABLE 2-2-3**

## MONTHLY SUBMARINE DUTY PAY RATES—COMMISSIONED OFFICERS—EFFECTIVE 1 JAN 1981

| | Years of Service Computed Under 37 U.S.C. 205 | | | | | | |
|---|---|---|---|---|---|---|---|
| **Pay Grade** | **2 or Less** | **Over 2** | **Over 3** | **Over 4** | **Over 6** | **Over 8** | **Over 10** |
| 0–10 | $265 | $265 | $265 | $265 | $265 | $265 | $265 |
| 0–9 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| 0–8 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| 0–7 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| 0–6 | 440 | 440 | 440 | 440 | 440 | 440 | 440 |
| 0–5 | 440 | 440 | 440 | 440 | 440 | 440 | 440 |
| 0–4 | 270 | 270 | 270 | 300 | 440 | 440 | 440 |
| 0–3 | 265 | 265 | 265 | 290 | 440 | 440 | 440 |
| 0–2 | 175 | 175 | 175 | 175 | 175 | 175 | 265 |
| 0–1 | 130 | 130 | 130 | 130 | 130 | 130 | 265 |

| | Years of Service Computed Under 37 U.S.C. 205 | | | | | | |
|---|---|---|---|---|---|---|---|
| **Pay Grade** | **Over 12** | **Over 14** | **Over 16** | **Over 18** | **Over 20** | **Over 22** | **Over 26** |
| 0–10 | $265 | $265 | $265 | $265 | $265 | $265 | $265 |
| 0–9 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| 0–8 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| 0–7 | 265 | 265 | 400 | 395 | 395 | 305 | 265 |
| 0–6 | 440 | 440 | 440 | 395 | 395 | 305 | 265 |
| 0–5 | 440 | 440 | 440 | 395 | 395 | 350 | 265 |
| 0–4 | 440 | 440 | 440 | 395 | 395 | 350 | 265 |
| 0–3 | 440 | 440 | 440 | 395 | 395 | 350 | 265 |
| 0–2 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| 0–1 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |

★TABLE 2-2-4

## MONTHLY SUBMARINE DUTY PAY RATES—WARRANT OFFICERS—EFFECTIVE 1 JAN 1981

| | Years of Service Computed Under 37 U.S.C. 205 | | | | | | |
|---|---|---|---|---|---|---|---|
| Pay Grade | 2 or Less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
| W-4 | $175 | $230 | $230 | $230 | $265 | $265 | $265 |
| W-3 | 175 | 230 | 230 | 230 | 265 | 265 | 265 |
| W-2 | 175 | 230 | 230 | 230 | 265 | 265 | 265 |
| W-1 | 175 | 230 | 230 | 230 | 265 | 265 | 265 |

| | Years of Service Computed Under 37 U.S.C. 205 | | | | | | |
|---|---|---|---|---|---|---|---|
| Pay Grade | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| W-4 | $265 | $265 | $265 | $265 | $265 | $265 | $265 |
| W-3 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| W-2 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |
| W-1 | 265 | 265 | 265 | 265 | 265 | 265 | 265 |

**★TABLE 2-2-5**

## MONTHLY SUBMARINE DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE 1 JAN 1981

Years of Service Computed Under 37 U.S.C. 205

| Pay Grade | 2 or Less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 |
|---|---|---|---|---|---|---|---|
| E-9 | $165 | $165 | $165 | $200 | $220 | $230 | $235 |
| E-8 | 165 | 165 | 165 | 185 | 200 | 220 | 230 |
| E-7 | 165 | 165 | 165 | 185 | 190 | 195 | 205 |
| E-6 | 115 | 125 | 130 | 160 | 170 | 180 | 190 |
| E-5 | 105 | 115 | 115 | 130 | 140 | 145 | 145 |
| E-4 | 60 | 70 | 75 | 125 | 130 | 130 | 130 |
| E-3 | 60 | 65 | 70 | 70 | 105 | 65 | 65 |
| E-2 | 55 | 65 | 65 | 65 | 65 | 65 | 65 |
| E-1 | 55 | 55 | 55 | 55 | 55 | 55 | 55 |

Years of Service Computed Under 37 U.S.C. 205

| Pay Grade | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
|---|---|---|---|---|---|---|---|
| E-9 | $245 | $255 | $265 | $265 | $265 | $265 | $265 |
| E-8 | 235 | 245 | 245 | 255 | 255 | 255 | 255 |
| E-7 | 220 | 230 | 230 | 230 | 230 | 230 | 230 |
| E-6 | 195 | 195 | 195 | 195 | 195 | 195 | 195 |
| E-5 | 145 | 145 | 145 | 145 | 145 | 145 | 145 |
| E-4 | 130 | 130 | 130 | 130 | 130 | 130 | 130 |
| E-3 | 65 | 65 | 65 | 65 | 65 | 65 | 65 |
| E-2 | 65 | 65 | 65 | 65 | 65 | 65 | 65 |
| E-1 | 55 | 55 | 55 | 55 | 55 | 55 | 55 |

# CHAPTER 3

# PARACHUTE DUTY, FLIGHT DECK DUTY, DEMOLITION DUTY, EXPERIMENTAL STRESS DUTY, AND LEPROSARIUM DUTY

## SECTION A—GENERAL PROVISIONS

### 20301. Entitlement

A service member entitled to basic pay is, in addition, entitled to incentive pay for performing any of the hazardous duties listed in subparagraph c, below, when the member performs the duty under competent orders, and otherwise meets the requirements of this chapter.

**a. Member of the Regular Force.** When the requirements have been met, entitlement to hazardous duty incentive pay commences on the date the member reports for and enters on duty in compliance with competent orders. Entitlement ceases on the effective date published in orders for termination of such duty or the date the member is detached from and no longer required to perform the hazardous duty, whichever occurs first. When a member commences such duty on a date other than the first day of a month or terminates such duty on a date other than the 30th day of a month (28th or 29th of February, as appropriate), and otherwise meets the requirements of this chapter for the month, the member is entitled to a prorated portion of the rate of pay for the month.

**b. Member of the Reserve Components.**

(1) A member of the Reserve components on extended active duty (EAD), ordered to perform any of the hazardous duties listed in subparagraph c, is entitled to pay based on the terms of this chapter.

(2) A member of the Reserve components on active duty training (ADT) ordered to perform any of the hazardous duties listed below is entitled to pay based on paragraphs 80222 and 80231 and the terms of this chapter as affected by table 2-3-5, rules 8 through 12.

**c. Hazardous Duties Listed:**

(1) Duty involving parachute jumping as an essential part of military duty.

(2) Duty involving frequent and regular participation in flight operation on the flight deck of an aircraft carrier or ship other than aircraft carrier from which aircraft are launched.

(3) Duty involving the demolition of explosives as a primary duty, including training for such duty.

(4) Duty inside a high- or low-pressure chamber.

(5) Duty as a human acceleration or deceleration experimental subject.

(6) Duty as a human test subject in thermal stress experiments.

(7) Duty involving intimate contact with persons afflicted with leprosy. (As of 1 Oct 1984, entitlement is limited by paragraph 20351a).

(8) Duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants.

(9) Duty involving fumigation tasks utilizing highly toxic pesticides.

(10) Duty involving laboratory work utilizing live dangerous viruses or bacteria.

### 20302. Rates

Members who qualify for hazardous duty incentive pay under this chapter are entitled to such pay at the following monthly rates:

| | |
|---|---|
| Officers | $110 |
| Enlisted members | 83 |

### 20303. Injury or Incapacity as Result of Performance of Hazardous Duty

When a member required to perform hazardous duty is injured or otherwise incapacitated as a result of performing such duty, the member is considered to have met the requirements for that duty during the incapacity, but for not longer than 3 months. Appropriate medical authority determines the cause of the incapacity and the dates thereof.

**a. When To Start the 3-Month Entitlement Period.** (See table 2-3-1).

**b. Hazardous Duty for Definite Period.** When a member has been placed on hazardous duty for a definite period and is entitled to incentive pay while incapacitated as a result of performance of such duty, incentive pay may not normally be paid beyond the ending date of the duty period stated in the orders. However, when evidence is furnished that the member would have continued in the hazardous duty status had it not been for the incapacity, incentive pay may be paid beyond the ending date of the duty stated in the orders.

**c. Change of Station for Medical Treatment.** See table 2-3-2 for effect of permanent change of station. Temporary duty or temporary additional duty orders which specify a member's return to a permanent station do not affect assignment or attachment to the hazardous duty. A member ordered to a medical facility under such orders continues entitled to incentive pay during incapacity for no more than 3 months.

## 20304. Incapacity Not Caused by Hazardous Duty

A member's right to incentive pay during incapacity which is not the result of performing hazardous duty depends on fulfillment of hazardous duty requirements.

## 20305. Multiple Payments of Hazardous Duty Incentive Pay

Members who qualify for incentive pay for more than one type of hazardous duty may receive no more than two payments for the same period. Dual hazardous duty incentive pay is limited to those members required by orders to perform specific multiple hazardous duties necessary for successful accomplishment of the mission of the unit to which assigned. A member who is under competent orders to perform more than one hazardous duty, but is entitled to only one type of incentive pay, may receive payment for the hazardous duty for which the higher rate of incentive pay is authorized, even though that hazardous duty is not the primary duty of the current assignment.

**a. Conditions of Entitlement.** The hazardous duties for which dual incentive pay is made must be an integral part of the member's assigned mission. Accomplishment of the assigned mission must require the member to perform specific multiple hazardous duties. Members must meet minimum requirements for each of the hazardous duties, except when injury or incapacity as the result of performance of hazardous duty is involved.

**b. Types of Duties That Qualify Member for Dual Payment of Hazardous Duty Incentive Pay.** (See also paragraph 20111b).

(1) Members assigned to pararescue units who are required to perform parachute jumps in addition to and in connection with explosive ordnance demolition duties.

(2) Air Force pararescue team members placed on orders to perform duties as both crew members and parachutists.

(3) Other combinations of hazardous duties for which dual payments of incentive pay are authorized by the respective services.

**c. Injury or Incapacity as Result of Performance of Hazardous Duty or Dual Hazardous Duties.** If members required to perform more than one hazardous duty are injured or otherwise incapacitated as a result of any of the duties, they are entitled to dual incentive pay during the incapacity but for no longer than 3 months. If not entitled to dual incentive pay at the time of incapacity, they are entitled to the type of incentive pay they were receiving at the time of the incapacity. The beginning date of the 3-month period must be determined separately for each type of incentive pay. Use paragraph 20106 or table 2-3-1, as applicable, to determine the 3-month period separately for each incentive pay.

## 20305.1. Concurrent Entitlement to ACIP and Hazardous Duty Incentive Pay (HDIP)

Officers who are entitled to ACIP may also be entitled to HDIP under the provisions of this chapter if the conditions for entitlement have been met independently. Entitlement to HDIP is limited to not more than two payments for the same period of time officers qualify for more than one payment of that pay. See paragraph 20305.

### 20306. Restriction on Payment of HDIP and Diving Duty Pay

See paragraph 11105a.

### 20306.1. Restriction on Payment of HDIP and AOCP

See paragraph 11506.

### 20307. Authority to Issue Orders

Authority to issue orders requiring performance of hazardous duty is delegated by the Secretaries to specific commanders within each service. Such delegations are contained in personnel administrative regulations of the individual services.

### 20308. Missing Status Members Entitlement

A member receiving incentive pay of a type listed in subparagraphs 20301a through j when entering a missing status, as defined in subparagraph 40301c, is entitled to such incentive pay during the period of absence and for the period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of missing status. The member's entitlement to incentive pay of a type listed in subparagraphs 20301a through j upon termination of the required period of hospitalization and rehabilitation or the 1-year period after date of return from missing status, whichever is earlier, will be contingent on a determination of continued eligibility under paragraph 20301 and the applicable incentive pay requirements of this chapter.

## SECTION B—PARACHUTE DUTY

### 20311. Entitlement

Qualified members are those who have received a designation as a parachutist or parachute rigger, or are undergoing training for such designations; who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight, and who perform the specified minimum jumps.

### 20312. Parachute Jumps—Leave, PCS, TDY/TAD or ADT

**a. General.** Quality jumps for entitlement to parachute pay must be performed during a period of duty requiring parachute jumping as established by competent orders. Parachute jumps performed under the following circumstances do not qualify a member for entitlement to parachute pay:

(1) Parachute jumps performed by any member while on PCS or TDY/TAD not requiring parachute jumping as an essential part of the duty; or while on leave. (2) Parachute jumps performed by a member of a Reserve component while on active duty training not requiring parachute jumping as an essential part of the duty.

**b. Examples (not all inclusive).**

(1) Leave

(a) Facts:

1. A member is placed on parachute jump status by competent orders effective 15 January. Member performs a jump on 15 March.

2. Member is on leave for the period 25 March-25 April. Member performs a jump on 15 April during the period of leave.

3. Member returns to the permanent duty station 26 April and performs a jump on 15 July.

(b) Entitlements:

1. Member is entitled to parachute pay from 15 January through 30 March based on the jump performed 15 March (rule 1 and note 1, table 2-3-3).

2. Member is entitled to parachute pay for May, June, and July based on the jump performed 15 July (rule 1, table 2-3-3, and rule 2, table 2-3-5).

3. The jump performed on 15 April is not a qualifying jump for parachute pay entitlement so member is not entitled to parachute pay for April.

(2) TDY or TAD.

(a) Facts:

1. Member is placed on parachute jump status by competent orders at permanent duty station. Member performs a jump on 15 January.

2. For the period 25 January through 2 July, member is assigned TDY/TAD where parachute jumping is not required by competent orders. Member performs a parachute jump on 10 June while on TDY/TAD.

3. Member returns to permanent duty station on 3 July and performs a jump on each date—6 July, 13 July, and 6 August.

(b) Entitlements:

1. Member is entitled to parachute pay for January, February, and March based on jump performed 15 January (rule 1, table 2-3-3, and rule 3, table 2-3-5).

**2. Member is entitled to parachute pay for May, June, and July based on jump performed 6 July. The jump performed on 13 July is not applied for entitlement because it is one of multiple jumps performed in the same month. Only one jump per month is used for qualification to parachute pay (rule 1, table 2-3-3).**

**3. Member is entitled to parachute pay for August, September, and October based on jump performed 6 August (rules 1 and 2, table 2-3-3).**

**4. Jump performed on 10 June during TDY/TAD is not a qualifying jump for parachute pay entitlement (paragraph 20312a(1)); no entitlement exists for parachute pay for April.**

(3) ADT Less Than 20 Weeks, Reserve Component Member Assigned to a Unit.

(a) Facts:

1. A Reserve component member is placed on parachute jump status at unit of assignment by competent orders. At the unit of assignment, member performs inactive duty training (IDT) drills on 14-15 January, 12-13 February, 15-16 March. Member performs a parachute jump on 15 January.

2. Member is ordered to active duty training (ADT) for the period 28 March-22 May (less than 20 weeks). Member is not placed on parachute jump status at ADT station. Member performs a jump on 5 April while on ADT.

3. Member returns to parachute duty at unit of assignment upon completion of ADT. Performs IDT drills 24-25 May, 8-9 June, and 9-10 July. Performs a parachute jump on 10 July.

(b) Entitlements:

1. Member is entitled to parachute pay for IDT drills in January, February, and March based on the jump performed 15 January (rule 1, table 2-3-3).

2. Further, member is entitled to parachute pay for allowable travel time to ADT station and for ADT days, 28-30 March, also based on jump performed 15 January (paragraph 80314; rule 1, table 2-3-3; rule 12, table 2-3-5).

3. Member is entitled to parachute pay for ADT 1-22 May plus allowable travel time from ADT station based on jump performed 10 July (paragraph 80314; rule 2, table 2-3-3; rule 12, table 2-3-5).

4. Member is entitled to parachute pay for IDT drills performed in May, June, and July; also based on jump performed 10 July.

5. Jump performed 5 April is not a qualifying jump for entitlement to parachute pay; no entitlement exists for April (paragraph 20312a).

(4) ADT Any Number of Weeks, Reserve Component Member, With or Without Unit of Assignment.

(a) Facts:

1. Reserve component member, if assigned to a unit, is not placed on parachute jump status at unit.

2. Member is ordered to ADT, any number of weeks. Member is placed on parachute jump status at ADT station by competent orders.

3. Member meets minimum performance requirements according to table 2-3-3 by jumps performed during ADT.

(b) Entitlements:

1. Member is entitled to parachute pay for allowable travel time to and from ADT station and for period of ADT (rules 8 and 10, table 2-3-5).

## 20313. Rates

See paragraph 20302.

## 20314. Performance Requirements

See table 2-3-3.

## 20315. Table of Parachute Jumps

Table 2-3-4 gives examples of how minimum requirements are applied. This table does not necessarily cover all situations but is intended as a general guide. In each example, the member was required by orders to participate frequently and regularly in parachute jumps for the entire period. This table is not intended to show date of payment. In every case the parachute duty requirements must be met before payment is made.

### 20316. Right to Pay Under Certain Conditions

See table 2-3-5.

## SECTION C—FLIGHT DECK DUTY

### 20321. Entitlement

**a. Conditions of Entitlement.** A member is entitled to incentive pay for flight deck duty (flight deck hazardous duty pay—FDHDP) when member:

(1) Is a member of an crew of an eligible air capable ship or an aviation unit operating from such a ship; fixed-wing-aircraft carrier or an aviation unit operating from that type of carrier;

(2) Is ordered by competent authority to duty in a billet which requires frequent and regular participation in flight operations; and

(3) Participates, within a calendar month, in 4 days of flight operations or their equivalent on the flight deck of eligible air capable ships.

**b. Quotas and Billets.** The number of members entitled to FDHDP is subject to the monthly quotas applicable to the eligible air capable ships and type or combination of air units operating from such ships, as promulgated in Chief of Naval Operations Instructions in the 7220.4 series.

**c. Members on Temporary Duty or Temporary Additional Duty.** Members on temporary duty or temporary additional duty in the crew of an eligible air capable ship or an aviation unit operating from such a ship may be ordered to flight deck hazardous duty billets (FDHDBs). When so ordered, they are entitled to FDHDP for the actual period specified in the orders provided they meet the minimal participation requirements for an entire month (4 days of flight operations or their equivalent) within each calendar month. The actual date that an aviation unit departs the ship does not alter the entitlement for a full month provided the minimum requirements are met and the orders to such duty remain in effect.

**d. Dual Payments.** Members receiving incentive pay for any other type of hazardous duty are not entitled to FDHDP for the same period.

### 20322. Specialized Terms

**a. Eligible Air Capable Ship.** A ship having a flight deck which has been certified to launch/land aircraft under Chief of Naval Operations ship/helicopter facility certification program.

**b. Flight Operations.** The period of time during which launch and recovery of aircraft are in progress on the flight deck of an eligible air capable ship. It includes the turnup and movement of aircraft preparatory to launch and the movement and shutdown of aircraft immediately following recovery.

**c. Day of Flight Operations.** One day of flight operations shall consist of a calendar day during which any combination of aircraft take-offs and/or landings takes place, as specified for each ship by class in OPNAV Instruction 7220.4 series. Four days of such flight operations, or the equivalent thereof, shall constitute the basic calendar month qualification criteria.

**d. Equivalent of 4 Days of Flight Operations.** Any single day, or combination of days during a calendar month in which the number of aircraft take-offs and/or landing equals the monthly total requirement for that class ship in OPNAV Instruction 7220.4 series shall constitute the equivalent of 4 days of flight operations.

**e. Flight Deck Hazardous Duty Billet (FDHDB).** A billet which requires frequent and regular participation in flight operations on the flight deck of an eligible air capable ship as promulgated in Chief of Naval Operation Instructions in the 7220.4 series.

**f. Participation.** Presence, during flight operations, at an assigned station in an FDHDB on the flight deck of an aircraft carrier or a ship other than an aircraft carrier from which aircraft are launched and recovered during flight operations.

### 20323. Rates

See paragraph 20302.

### 20324. Commencement and Termination of FDHDP

Eligibility for entitlement to FDHDP begins on the date a member is ordered to duty in a FDHDP. Entitlement eligibility ends on the date the orders to such billet are revoked, or when a member is permanently detached from the aircraft carrier or aviation unit, whichever occurs first. Orders may be terminated for other reasons but not for the sole purpose of providing FDHDP for additional members.

### 20325. Proration

FDHDP is prorated for the days of the calendar month during which the orders are in effect, providing the full month participation requirements are met.

### 20326. Right to Pay Under Certain Conditions

See table 2-3-5.

## SECTION D—DEMOLITION DUTY

### 20331. Entitlement

**a. Condition of Entitlement.** A member entitled to basic pay who is required by competent orders to perform duty involving the demolition of explosives, as prescribed by service regulations, as a primary duty (including training for that duty) is entitled to incentive pay under the conditions stated in this section. Incentive pay is payable for any full month, or is prorated under paragraph 20301 for any portion of a calendar month, during which a member under competent orders performs demolition duty by use of live explosives.

**b. Duty Involving Demolition of Explosives.** Effective 6 Dec 1984, duty involving the demolition of explosives is defined according to this subparagraph. Demolition duty is duty performed by members who engage in the following activities under competent orders and as a primary duty assignment:

(1) Demolish objects, obstacles, or explosives by use of explosives; or by disarming or demolition, recover and render harmless explosives which have failed to function as intended or which have become a potential hazard;

(2) Participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in (1) above, provided that live explosives are used in such training.

(3) Participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in (1) above, provided that live explosives are used in such training; or

(4) Experiment with or develop tools, equipment or procedures for the demolition and rendering harmless of explosives, provided that live explosives are used.

### 20332. Rates

See paragraph 20302.

### 20333. Performance Requirements

A member who is assigned to demolition duty by competent orders and performs such duty during the month involved, is entitled to incentive pay for that duty provided live explosives are used, Local commanders are responsible for ensuring that the finance officer is informed when a member fails to perform the monthly demolition duty required for entitlement to the incentive pay.

### 20334. Right to Pay Under Certain Conditions

See table 2-3-5.

## SECTION E—EXPERIMENTAL STRESS DUTY

### 20341. Entitlement

**a. Condition of Entitlement.** A member on active duty who is required by competent orders to perform experimental stress duty is entitled to incentive pay under the conditions stated in this section. Incentive pay is payable for any full month, or is prorated in accordance with paragraph 20301 for any portion of a calendar month, during which experimental stress duty is performed under competent orders.

**b. Duty Involving Experimental Stress.** Experimental stress duties are limited to the following:

(1) Human Acceleration or Deceleration Experimental Subject. Duty performed as human acceleration or deceleration experimental subjects utilizing experimental acceleration or deceleration devices.

(2) Thermal Stress Duty. Duty performed as human thermal experimental subjects in thermal stress experiments.

(3) High- or Low-Pressure Chamber

Duty. Duty within a high-pressure (hyperbaric) or a low-pressure (altitude) chamber at physiological facilities as human test subject, research technician, or inside instructor-observer.

c. **Restriction.** A member is entitled to only one payment of incentive pay for experimental stress duty during any 1 month.

### 20342. Rates

See paragraph 20302.

### 20343. Performance Requirements

A member is entitled to incentive pay for experimental stress duty when assigned to that duty by competent orders and performs such duty during the month involved. Competent medical authorities of the service concerned must determine if the member is engaged in one or more stress experiments involving risk of experimental hazard.

### 20344. Right to Pay Under Certain Conditions

See table 2-3-5.

## SECTION F—LEPROSARIUM DUTY

### 20351. Entitlement

**★a. General.** As of 1 Oct 1984, only a member of the uniformed services already entitled on 30 Sep 1984 is entitled to receive hazardous duty incentive pay for the performance of duty involving intimate contact with persons afflicted with leprosy. Entitlement under this subparagraph continues so long as the member continues without a break to be assigned to duties as described below.

**b. Conditions of Entitlement.** A member on active duty who is assigned by orders to duty at a leprosarium, including leprosariums not under the jurisdiction of one of the uniformed services, is entitled to incentive pay as stated in this section. Incentive pay is payable for any full month, or is prorated in accordance with paragraph 20301 for any portion of a calendar month, during which duty at a leprosarium is performed under competent orders.

c. **Duty at Leprosarium.** Duty at a leprosarium is an assignment for 30 days or longer, or for a period of instruction, to permanent, temporary, or temporary additional duty involving direct or close contact with persons afflicted with leprosy. This includes analysis of body fluids of patients, handling their laundry, food containers, etc. Normally, duties involving administration, inspection, and building maintenance do not qualify members for leprosarium pay.

### 20352. Rates

See paragraph 20302.

### 20353. Performance Requirements

Entitlement to incentive pay for duty at a leprosarium continues for the period assigned as defined in paragraph 20351.

### 20354. Right to Pay Under Certain Conditions

See table 2-3-5.

## SECTION G—TOXIC FUELS (OR PROPELLANTS) DUTY

### 20361. Entitlement.

a. Effective 1 Oct 1981, a member is entitled to hazardous duty incentive pay for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants when this duty is performed as a primary duty according to the requirements set forth in paragraphs 20362a through d and g.

b. Effective 1 Oct 1983, a member is entitled to hazardous duty incentive pay for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants for the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels are used when this duty is performed as a primary duty according to the requirements below.

### 20362. Requirements.

Primary duty under this section requires:

a. Removal, replacement, and servicing of the emergency power unit of an aircraft with H-70 propellant (30% water, 70% hydrazine).

b. Participation by those personnel performing duties in a above who must also participate in an emergency response force, spill containment, or spill clean up involving H-70 propellant (30% water, 70% hydrazine);

c. Handling and maintaining the liquid propellants (liquid oxidizer-nitrogen tetroxide; unsymmetrical dimethyl hydrazine) used in the Titan weapon system if such duty requires the qualification in the use of the rocket fuel handler's clothing outfit and involves:

(1) Launch duct operations, including flow, pressurization, on-load, off-load, set-up, or tear down involving propellant transfer operations;

(2) Set-up, installation, or tear-down for fuel/oxidizer flow;

(3) Decontamination of equipment, including but not limited to the Rocket Fuel Handler's Clothing Outfit;

(4) Venting or pressurizing missile fuel or oxidizer tanks;

(5) Removing or replacing missile components while missile fuel and oxidizer tanks are loaded with such propellants;

(6) Transferring propellants between commercial and military holding trailers; or between holding trailers and fuel/oxidizer pump rooms; or

(7) Normal preventive maintenance activities including but not limited to seal changes;

d. Handling and maintaining the propellants, unsymmetrical dimethyl hydrazine and inhibited red-fuming nitric acid used in the LANCE missile system,

e. Handling, transporting, or working with toxic fuels/propellants by members assigned to the Air Force Rocket Propulsion Lab (AFRPL) who:

(1) Directly manage and inspect the activities of crew members conducting operations involving experimental rocket propulsion systems and components;

(2) Directly monitor and set up measurement instruments in operational areas where contamination is suspected or may be physically present;

(3) Install and remove instrumentation devices from propulsion systems and components;

(4) Perform final test preparation and immediate safety inspection duties around pressurized, active systems during prerun and postrun test periods; or

(5) Install and repair electrical systems.

f. Handling, loading/unloading, and transporting toxic fuels and oxidizers at the precision sled track while working with the liquid rocket sled which uses JP-X (a mixture of jet-fuel (JP-4) and unsymmetrical demethyl hydrazine) and red-fuming nitric acid and a propulsion; or

g. Involvement with other toxic substances contained in missile or aircraft weapon system fuels or propellants as determined by the secretary concerned.

## 20363. Rates

See paragraph 20302 for rates.

## 20364. Restriction

The entitlement to the pay under this section is based upon the performance of such duty which has the potential for accidental or inadvertent exposure to highly toxic fuels or propellants or related substances and not upon actual quantifiable exposure to such substances. Therefore, neither this construction of the term nor the receipt of the pay provided for in this section may be construed as indicating that any person entitled to such to pay has been actually exposed to highly toxic fuels or propellants or related substances contrary to the provisions of any statute, Executive Order, rule, or regulation relating to health or safety which is applicable to the uniformed services.

## SECTION H—TOXIC PESTICIDES DUTY

### 20371. Entitlement

Effective 1 Oct 1981, a member is entitled to Hazardous Duty Incentive Pay (HDIP) for duty involving frequent and regular exposure to highly toxic pesticides when the member is assigned by competent orders to the entomology, pest control, pest management or preventive medicine functions of a uniformed service for a period of 30 consecutive days or more.

### 20372. Requirements

Members must perform fumigation duties described below during a calendar month to receive HDIP for the month. Duty under this section covers any fumigation task utilizing: (1) phosphine, sulfuryl fluoride, hydrogen cyanide, methyl bromide, or (2) a fumigant of comparable high acute toxicity and hazard potential.

### 20373. Rates

See paragraph 20302 for rates.

## SECTION I—DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

### 20381. Entitlement

Effective 1 Oct 1981, a member is entitled to Hazardous Duty Incentive Pay (HDIP) for duty involving laboratory work that utilizes live dangerous viruses or bacteria as a primary duty.

### 20382. Requirements

Under this section members must perform primary duty described below while assigned by competent orders for a period of 30 consecutive days or more to participate in or conduct applied or basic research that is characterized by a changing variety of techniques, procedures, equipment, and experiments. Duty under this section is primary duty performed by members who work with micro-organisms:

a. That cause disease:

(1) With a high potential for mortality; and

(2) For which effective therapeutic procedures are not available.

b. For which no effective prophylactic immunization exists.

### 20383. Rates

See paragraph 20302 for rates.

## ★SECTION H—TOXIC PESTICIDES DUTY

### 20371. Entitlement

Effective 1 Oct 1981 a member is entitled to Hazardous Duty Incentive Pay (HDIP) for duty involving frequent and regular exposure to highly toxic pesticides when the member is assigned by competent orders to the entomology, pest control, pest management or preventive medicine functions of a uniformed service for a period of 30 consecutive days or more.

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Members must perform fumigation duties described below during a calendar month to receive HDIP for the month. Duty under this section covers any fumigation task utilizing: (1) phosphine, sulfuryl fluoride, hydrogen cyanide, methyl bromide, or (2) a fumigant of comparable high acute toxicity and hazard potential.

### 20373. Rates

See paragraph 20302 for rates.

## ★SECTION I—DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

### 20381. Entitlement

Effective 1 Oct 1981 a member is entitled to Hazardous Duty Incentive Pay (HDIP) for duty involving laboratory work that utilizes live dangerous viruses or bacteria as a primary duty.

### 20382. Requirements

Under this section members must perform primary duty described below while assigned by competent orders for a period of 30 consecutive days or more to participate in or conduct applied or basic research that is characterized by a changing variety of techniques, procedures, equipment, and experiments. Duty under this section is primary duty performed by members who work with micro-organisms:

a. That cause disease:

  (1) With a high potential for mortality; and

  (2) For which effective therapeutic procedures are not available.

b. For which no effective prophylactic immunization exists.

### 20383. Rates

See paragraph 20302 for rates.

TABLE 2-3-1

WHEN TO START THE THREE-MONTH ENTITLEMENT PERIOD FOR INCAPACITY RESULTING FROM PERFORMANCE OF HAZARDOUS DUTY

| R U L E | A | B | C |
|---|---|---|---|
| | When the type of duty is | and | the three-month period during which requirements are considered to have been met begins |
| 1 | demolition or experimental stress | | the first day of the month following the month in which the incapacity occurred |
| 2 | leprosarium | | the day following the date of incapacity |
| 3 | Parachute or flight deck | performance requirements for the month of incapacity have been met | the first day of the month following the month in which the incapacity occurred |
| 4 | | performance requirements for the month of incapacity have not been met | the first day of the month in which the incapacity occurred |

Table 2-3-2

### WHEN INCENTIVE PAY FOR INCAPACITY RESULTING FROM HAZARDOUS DUTY STOPS ON PCS

|  | A | B |
|---|---|---|
| RULE | When a member receiving incentive pay as a result of incapacity resulting from hazardous duty is ordered on permanent change of station to a medical facility for treatment during the three-month entitlement period, and the hazardous duty involved is | Incentive pay accrues |
| 1 | parachute | after PCS through the end of the three-month entitlement period. |
| 2 | flight deck,<br>demolition,<br>experimental stress, or<br>leprosarium | through the date of departure from the old station |

TABLE 2-3-3

PARACHUTE JUMPS—INCENTIVE PAY FOR PARACHUTE DUTY—PERFORMANCE REQUIREMENTS

| R U L E | A | B | C |
|---|---|---|---|
| | When | in | then the |
| 1 | a jump is performed | any calendar month | member qualifies for parachute duty pay for that month and 1 preceding and succeeding month; or that month and 2 preceding months; or that month and 2 succeeding months (note 1) |
| 2 | jumps are made | 2 or more consecutive months | new 3-consecutive-calendar-month period starts with each month a jump is made, except when rule 3 applies |
| 3 | a member is unable to perform a jump because of military operations of the command or the absence of jump equipment or aircraft | a 3-month period | member may qualify for parachute duty pay on a 12-month basis. He may qualify for the 3-month period plus the following 9 consecutive calendar months by performing four jumps any time during the 9-month period (note 2) |
| 4 | a member is unable to perform a jump by reason of being engaged in combat operations in a hostile fire area | | minimum jump requirements may be waived by the member's commanding officer (note 2) |
| 5 | a member begins parachute training or reports for duty with a parachute unit | a fractional part of a month | month the training or duty begins becomes the first month of the 3-consecutive-calendar-month period (note 1) |

NOTES:

★1. Incentive pay for parachute duty may be paid, provided prescribed requirements are met, only from the date of entry on training or duty. If that day is other than the first day of a month, that month's rate of pay will be prorated in accordance with para 20301.

2. Military operations, combat operations in a hostile fire area, or absence of jump equipment are the only authorized reasons for not complying with requirements over a 3-month period.

**TABLE 2-3-4**

**PARACHUTE JUMPS**

| | Example 1 | | Example 2 | | Example 3 | | Example 4 | | Example 5 | | Example 6 | | Example 7 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jumps | Entitled | Jumps | Entitled | Jumps | Entitled | Jumps | Entitled | Jumps | Entitled | Jumps | Entitled | Jumps | Entitled |
| 19___ | | | | | | | | | | | | | | |
| October | 0 | Yes[1] | 0[3] | Yes[4] | 0 | Yes[1] | 0 | Yes[1] | 0 | Yes[1] | 0 | Yes[1] | 0 | Yes[1] |
| November | 0 | Yes[1] | 0[3] | Yes[4] | 1 | Yes[2] | 0 | Yes[1] | 0 | Yes[1] | 0 | Yes[1] | 0 | Yes[1] |
| December | 1 | Yes[2] | 0[3] | Yes[4] | 0 | Yes[1] | 1 | Yes[2] | 1 | Yes[2] | 1 | Yes[2] | 1[5] | Yes[2] |
| 19___ | | | | | | | | | | | | | | |
| January | 0 | Yes[1] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[6] | Yes[7] |
| February | 1 | Yes[2] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[1] | 0[3] | Yes[4] | 0[6] | Yes[7] |
| March | 0 | Yes[1] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[1] | 0[3] | Yes[4] | 0[6] | Yes[7] |
| April | 0 | No | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[1] | 2 | Yes[2] | 0[3] | Yes[4] | 0[6] | No |
| May | 0 | Yes[1] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[1] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[6] | No |
| June | 0 | Yes[1] | 0[3] | Yes[4] | 0[3] | Yes[4] | 2 | Yes[2] | 0[3] | Yes[1] | 0[3] | Yes[4] | 0[6] | No |
| July | 2 | Yes[2] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[1] | 0[3] | Yes[1] | 0[6] | No |
| August | 0 | No | 0[3] | Yes[4] | 0[3] | Yes[4] | 0[3] | Yes[4] | 1 | Yes[2] | 0[3] | Yes[1] | 1 | Yes[2] |
| September | 0 | No | 4 | Yes[2] | 0[3] | Yes[1] | 0[3] | Yes[4] | 0[3] | Yes[1] | 3 | Yes[2] | 0 | Yes[1] |
| October | 0 | Yes[1] | 0 | Yes[1] | 0[3] | Yes[1] | 0[3] | Yes[1] | 0[3] | Yes[1] | 1 | Yes[2] | 0 | Yes[1] |
| November | 0 | Yes[1] | 1 | Yes[2] | 3 | Yes[2] | 0[3] | Yes[1] | 1 | Yes[2] | 0[3] | Yes[4] | 0 | No |
| December | 1 | Yes[2] | 0 | Yes[1] | 1 | Yes[2] | 2 | Yes[2] | 0[3] | Yes[4] | 0[3] | Yes[4] | 0 | No |
| 19___ | | | | | | | | | | | | | | |
| January | 0 | No | 0 | No | 0 | No | 0 | No | 0 | No | 0 | Yes[1] | 0 | No |
| February | 0 | No | 0 | No | 0 | No | 0 | No | 0 | No | 0 | Yes[1] | 0 | No |
| March | 0 | No | 0 | No | 0 | No | 0 | No | 0 | No | 1 | Yes[2] | 0 | No |

NOTES:
1. Entitled to incentive pay for parachute duty based on jumps performed in 3 consecutive calendar months.
2. Entitled to incentive pay for parachute duty based on that month's jumps.
3. No jumps performed because of absence of jump equipment or aircraft or on account of military operations.
4. Entitled to incentive pay for parachute duty based on jumps performed in 12 consecutive calendar months.
5. Incapacitated by reason of parachute accident.
6. No jumps performed because of incapacitation resulting from parachute accident.
7. Entitled to incentive pay for parachute duty—accident.

★TABLE 2-3-5

INCENTIVE PAY FOR HAZARDOUS DUTY—ENTITLEMENT UNDER CERTAIN CONDITIONS:

| R<br>U<br>L<br>E | A | B | C | D |
|---|---|---|---|---|
| | **When a member under orders to perform hazardous duty is** | **and the hazardous duty involved is** | **and** | **Then incentive pay entitlement** |
| 1 | Sick in line of duty | Any type of hazardous duty listed in paragraph 20301 | Orders to perform the hazardous duty involved remain in effect and the member performs the duty involved during the month involved, or when appropriate, performs the minimum performance requirements for the duty involved (see note 2 for leprosarium duty) | continues for the period of the illness |
| 2 | On authorized leave | | | Continues for the period of leave (note 1) |
| 3 | On temporary duty or temporary additional duty | | | Continues for the period of TDY OR TAD |
| 4 | Reassigned PCS including temporary duty in conjunction with PCS | | | Is affected by the PCS (note 3) |
| 5 | Discharged and immediately reenlisted at the same station without a break in service | | Orders to perform the hazardous duty involved are not specifically terminated | Is determined as though there had been no discharge |
| 6 | | | Orders to perform the hazardous duty involved are specifically terminated | Ceases on effective date shown in orders |

**★TABLE 2-3-5—Continued**

**INCENTIVE PAY FOR HAZARDOUS DUTY—ENTITLEMENT UNDER CERTAIN CONDITIONS:**

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **When a member under orders to perform hazardous duty is** | **and the hazardous duty involved is** | **and** | **Then incentive pay entitlement** |
| 7 | Removed from hazardous duty | | Removal is for cause, disqualification, or the member's own request | Ceases on the date that cause or disqualification is determined to exist or the date the member is removed IAW request, which will be the effective date established in orders terminating the hazardous duty (see note 3 for pay proration) |
| 8 | A member of a Reserve component being released from active duty performed either:<br>a. While member is part of strength accountability of the active military establishment (EAD).<br>b. While member is accountable to a Reserve component (ADT) (note 5). | Parachute | Orders are not issued directing relief from assigned duties and requirements have been met for the period involved | Continues for the period of allowable travel time (notes 4 and 6) |
| 9 | | Demolition, flight deck, experimental stress, or leprosarium, toxic fuels, toxic pesticides, dangerous viruses | | Ceases on detachment from last duty station |

| | | | | |
|---|---|---|---|---|
| 10 | A member of a Reserve component on ADT for any number of weeks (with or without a unit of assignment) (note 5) | Any type of hazardous duty listed in paragraph 20301 | Orders to perform the hazardous duty involved are in effect at the ADT station. Member meets minimum performance requirements at ADT station. | 1. Exists for the period of ADT. Entitlement for ADT is terminated per rules 8 or 9.<br>2. If IDT involved, see note 7. |
| 11 | A member of a Reserve component on ADT for 20 weeks or more away from unit of assignment (note 5) | | Member is not ordered to perform the hazardous duty at the ADT station | 1. Does not exist for the period of ADT.<br>2. For IDT, see note 7. |
| 12 | A member of a Reserve component on ADT for less than 20 weeks away from unit of assignment (note 5). | Any type of hazardous duty listed in paragraph 20301 | Orders to perform the hazardous duty involved remain in effect at unit of assignment. Member is not ordered to perform hazardous duty at ADT station. Member meets minimum performance requirements during inactive duty training (IDT) at unit of assignment. | 1. Exists for the period of ADT. Entitlement for ADT is terminated per rules 8 or 9.<br>2. For IDT, see note 7. |

**NOTES:**

1. Performance of hazardous duty while on leave cannot be counted for pay purposes.
2. For leprosarium duty the only requirement is that the member's assignment to a leprosarium remain effective.
3. Orders to perform hazardous duty remain in effect when member is being reassigned PCS successively to hazardous duty. If member cannot be immediately assigned to a hazardous duty position at new station, orders to perform such duty will be terminated effective the date of arrival at new duty station and incentive pay stopped as of that date. When successive assignment does not require hazardous duty as an essential part of military duty at the new permanent duty station, orders to perform such duty will be terminated effective the date of departure from old duty station (or TDY point if performance of hazardous duty is required as an essential part of military duty at the TDY point) and incentive pay stopped as of that date. When effective date in the orders terminating hazardous duty is other than the last day of a calendar month and that month's performance requirements have been met, that month's hazardous duty pay will be prorated in accordance with paragraph 20301a.
4. Parachute pay may not be paid beyond the last day of the calendar month for which requirements are met.
5. ADT includes annual training, special tours of active duty for training, school tours, and the initial tour performed by enlistees without prior military service.
6. Hazardous duty incentive pay entitlement for ADT includes time allowed for necessary travel from home to first duty station (paragraph 10241).
7. Hazardous duty incentive pay for inactive duty training (IDT) is paid per part 8, chapter 3.

# PART THREE

# ALLOWANCES

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# PART THREE

## ALLOWANCES
## CHAPTER 1

## BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

## SECTION A—GENERAL PROVISIONS

### 30101. Authority

Except as otherwise provided by law, members who are entitled to basic pay are entitled to BAS under the conditions set out in this chapter.

**a. Enlisted Members.** These members may become entitled to one of the following types of BAS on a daily basis:

(1) When rations in kind are not available;

(2) When permission to mess separately is granted; or

(3) When assigned to duty under emergency conditions where no messing facilities of the US are available.

**b. Officers.** Officers entitled to basic pay are entitled to BAS at all times on a monthly basis (see paragraph 30121).

**c. Advance Payments.** Advance payment of BAS is authorized under the circumstances specified in part four, chapter 1.

**d. Effect on Overseas Station Allowances.** BAS under this chapter is in addition to the overseas cost of living allowances authorized by chapter 4, part G, JTR, volume 1.

### 30102. Specialized Terms

Apply the following terms to BAS determinations:

**a. Government Mess.** See definition in the Glossary of Terms.

**b. "Subsisted at Government Expense."** Applies to enlisted members:

(1) Subsisted in kind by the Government; or

(2) Furnished meals by a Government contractor or a foreign Government at their permanent station, either under the terms of a contract or agreement or on a complimentary basis without charge.

**c. "When Rations in Kind Are Not Available."** Applies when a Government mess is, in fact, not available. it also applies to situations where it has been determined that it is impracticable for the Government to furnish subsistence in kind.

★**d. "When Permission To Mess Separately is Granted."** This term applies to enlisted members authorized to subsist themselves independently while on duty at a permanent station where a messing facility is available for subsisting them. The term also applies to enlisted members during periods of hospitalization, authorized leave (including proceed time), authorized delays en route between duty stations chargeable as leave, and travel status under orders away from their post of duty (to include TDY/TAD, PCS, and travel in connection with hospitalization or convalescent leave). This term does not apply when TDY/TAD to field duty or sea duty or, effective 29 Dec 1981, when an enlisted member in a travel status is not entitled to the subsistence portion of per diem because such member is required by direction of the Secretary concerned to subsist with a unit in a Government mess. Determinations of mandatory unit messing requirements made by the Secretary concerned are in individual service regulations. Effective 24 Sep 1983, a member shall not be considered to be performing travel under orders away from that member's designated post of duty (TDY/TAD or PCS) if such member:

(1) Is a non-prior service enlisted member serving on a first tour of active duty.

(2) Has not actually reported to a permanent duty station pursuant to orders directing such assignment, and

(3) Is not actually traveling between stations pursuant to orders directing a change of permanent duty station.

**e. "When Assigned to Duty Under Emergency Conditions Where No Government**

**Mess Is Available."** Applies to enlisted members assigned to duty under conditions requiring extraordinary expenses for subsistence as determined per paragraph 30112 and table 3-1-3.

**f. "Prorated Subsistence Allowance."** Applies to enlisted members being subsisted in kind at their permanent station:

(1) Whose assigned duties in a nontravel status require them to be absent from their permanent station and their working hours or duties prevent them from eating certain meals in a Government mess.

(2) When authorized BAS at their permanent station, who enter a travel or hospitalized status and are entitled to BAS for part of a day or at different rates for parts of a day.

(3) When proper authority determines that a Government mess is in fact not available for part of a day (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

**g. "Supplemental Subsistence Allowance."** Applies to enlisted members granted permission to mess separately at a permanent station:

(1) Whose assigned duties in a nontravel status require them to be absent from their permanent station and their working hours or duties require them to buy a meal or meals from other than a Government mess.

(2) When proper authority has determined that a Government mess is in fact not available for certain meals. (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

**h. "Field Duty."** This term means service by a member when the member is subsisted in a Government mess or with an organization drawing field rations, and;

(1) The member is under orders with troops operating against an enemy, actual or potential; or

(2) The member is serving with troops on maneuvers, war games, field exercises, or similar types of operations.

**i. "Sea Duty."** This term means service performed by a member in a self-propelled vessel that is in an active status, in commission or in service, and is equipped with berthing and messing facilities.

## SECTION B—BAS POLICY AND DETERMINATIONS RESPONSIBILITY

### 30111. BAS—Policy

a. Normally, enlisted members are subsisted in kind. For uniformity in making determinations, Government messes available in the geographical area must be used to the fullest extent compatible with economy and efficiency.

★b. Effective 15 Sep 1981, enlisted members on authorized leave, hospitalized, or performing travel (TDY/TAD or PCS) under orders away from their designated post of duty are entitled to BAS at the "when permitted to mess separately" rate for the duration of the leave, hospitalization, or travel status, regardless of the BAS rate authorized members at their permanent stations. (Enlisted members on TDY/TAD at a station where proper authority has approved authorization for the emergency ration rate may receive BAS at that rate). Enlisted members are not entitled to BAS while TDY/TAD to field duty or sea duty. Effective 29 Dec 1981, an enlisted member in a travel status who is not entitled to the subsistence portion of per diem because such member is required by direction of the Secretary concerned to subsist with a unit in a Government mess is not entitled to BAS. Determinations of mandatory unit messing requirements made by the Secretary concerned are contained in individual service regulations. Effective 24 Sep 1983, a member shall not be considered to be performing travel under orders away from member's designated post of duty (TDY/TAD or PCS) if such member:

(1) Is a non-prior service enlisted member serving on a first tour of active duty.

(2) Has not actually reported to a permanent duty station pursuant to orders directing such assignment, and

(3) Is not actually traveling between stations pursuant to orders directing a change of permanent duty station.

c. Except as provided in paragraph 30114, the subsistence allowances referred to in this section are not to be authorized solely on the basis of marital status, dependency, location of the member's residence (except when occupying Government-leased quarters), pay grade, or as an extra incentive or compensation on the basis of the member's assignment to specialized duties (such as band, recruiting, chauffeur, or orderly). Each application should be considered on its own merit.

d. When members of one or more services perform duty under similar conditions at installations or are assigned to activities within the same area, the commanders will confer to ensure uniform determinations on the authorization of BAS. If commanders of more than one service cannot agree on a uniform BAS rate, the senior officer within the area will report the differences, fully documented, through channels to the Secretary of Defense.

e. When members of more than one service perform duty at an installation, the installation commander makes the BAS determinations. Such determinations are binding on all personnel of the DOD performing duty at that installation.

f. Enlisted members carried in a missing status are entitled to BAS at the rate payable when rations in kind are not available (see paragraph 40303b).

### 30112. Determinations of Duty Under Emergency Conditions

Authorizations for BAS rate for members "assigned to duty under emergency conditions where no Government messing facilities are available" may be granted only with the approval of the Secretary of the department concerned, or Secretary's designee. This approval authority may not be redelegated.

**a. Authorizations.** Authorizations may be made for periods not to exceed 180 days. In approving original and subsequent authorizations, practicability and cost of establishing Government messing or contract facilities must be considered. (See table 3-1-3).

**★b. Request for Approval.** Requests for authorization approvals are submitted through channels to the applicable office below:

(1) ACOA(F&A), Attn: DACA-FAP-PAE Indianapolis IN 46249.

(2) Chief of Naval Operations, Attn: OP-134.

(3) Commandant of the Marine Corps (LFS) Washington DC 20380.

(4) HQ USAF/MPXE, Washington DC 20330.

### 30113. Determinations of Nonavailability

**a. When a Government Mess Is in Fact Not Available.** The installation commander will determine if rations in kind are not available for enlisted members performing duty at that installation.

**b. When Location of Government Mess Makes Its Use Impracticable.** Commanding officers will determine when the location of a Government mess, in relation to members' post of duty, makes its use impracticable. See paragraph 30111 and table 3-1-2 for policy guidance and rules for making such determinations.

**c. When Mission Prevents Use of Government Mess.** A determination of impracticability may be made by the Secretary concerned or the Secretary's designee for enlisted members whose assigned duties are such that use of a Government mess would adversely affect their mission. Address recommendations for such determinations to the office listed in paragraph 30112b.

**d. When Duty Prevents Use of Mess.** Commanders or their designees may determine if members' assigned duties or unusual work hours prevent the members from eating certain meals in a Government mess. See rules 5 and 6, table 3-1-4 for criteria.

### 30114. Authorizations to Mess Separately

Separate service regulations may provide automatic blanket authorization for enlisted members in pay grades E-1 and above, except basic trainees, who are residing with their dependents. This includes members married to members, with no dependents, who reside together at the permanent station. Such authorizations are in effect continuously except as provided in paragraph 30131 or in the service regulations.

**a. Army Members.** Authorization to mess separately will be made in accordance with AR 210-10.

**b. Navy and Marine Corps Members.** Authorization to mess separately will be made in accordance with the Naval Military Personnel Manual or the current edition of Marine Corps Order 10110.33.

**c. Air Force Members.** Authorization to mess separately will be made in accordance with AFM 177-373, volumes I and II.

### 30115. Review of Determinations

Review of all determinations, except those pertaining to members who have been authorized to mess separately, must be made annually or when conditions to entitlements change, or more frequently if necessary pursuant to paragraph 30112 and subparagraphs 30113a and b. Review is to ensure compliance with the policies outlined in this section. When review shows that existing determinations fail to meet requirements, they will be cancelled.

## SECTION C—OFFICERS—CONDITIONS OF ENTITLEMENT

### ★30121. Officers

Except as indicated in table 3-1-1, officers are entitled to BAS at the rate of $109.37 per month, regardless of grade or dependency status. Compute this allowance by the month, as for basic pay. See table 3-1-1 for specific conditions of entitlement.

## SECTION D—ENLISTED MEMBERS—CONDITIONS OF ENTITLEMENT

### 30131. When Authorized To Mess Separately

Enlisted members authorized to mess separately (paragraphs 30102d and 30114) are entitled to BAS at the rates and under the conditions shown in tables 3-1-4, 3-1-5, and 3-1-6.

**a. Limitation.** Authorization to mess separately cannot cover retroactive periods. However, this does not prevent payment of BAS from the time of an oral authorization by proper authority if the oral approval of the member's request is promptly confirmed in writing.

**b. Duration of Authorization To Mess Separately.** Once approved, these authorizations remain in full force under the following conditions unless sooner terminated by approving authority.

(1) While the member's permanent, temporary duty, or temporary additional duty station, as applicable, remains unchanged.

(2) While member is on leave or hospitalized.

(3) While performing travel under orders in connection with TDY/TAD, PCS, hospitalization, or convalescent leave.

(4) Upon discharge or retirement and reenlistment or recall to active duty at the same station within 24 hours.

**c. Termination of Authorizations To Mess Separately.** Authorizations to mess separately terminate:

(1) On date and hour travel (TDY/TAD or PCS) or hospitalization status ends unless continuation is authorized by proper authority at member's permanent station.

(2) As of midnight of date of detachment from duty station when discharged or released from active duty if reenlistment at the same station does not occur within 24 hours after date of discharge.

(3) When directed by the commander or commander's designee.

(4) Upon request of the member concerned.

(5) As of midnight on the date leave status ends.

### 30132. When Government Mess Is Not Available

Enlisted members on duty where a Government mess is not available are entitled to BAS at the rate shown in paragraph 30136 and under the conditions shown in tables 3-1-4, 3-1-5, and 3-1-6. Entitlement to BAS under this paragraph continues during weekends, holidays, administrative absence, pass, or liberty. See paragraph 30137 for conditions requiring BAS to be prorated.

## 30133. When Use of Government Mess Is Impracticable

Enlisted members on duty where use of an available Government mess is impracticable are entitled to BAS at the rate shown in paragraph 30136 and under the conditions shown in tables 3-1-4, 3-1-5, and 3-1-6.

## 30134. Duty Under Emergency Conditions

For rate payable and conditions of entitlement, see paragraphs 30112 and 30136, table 3-1-3, and rule 7, table 3-1-4.

## 30135. Subsistence Allowance Shore Patrol Duty

Navy and Marine Corps commanders may authorize payment of the shore patrol subsistence allowance to members on shore patrol duty, in a nontravel status, when Government messing facilities are not available. Such authorizations are made in accordance with administrative regulations of the service concerned. A member performing shore patrol duty, in a nontravel status, may elect to continue to receive BAS instead of the shore patrol subsistence. When the shore patrol subsistence allowance is elected, prorate BAS otherwise payable as in paragraph 30137 below.

## ★30136. BAS Rates

a. When permitted to mess separately:

E-1 (less than 4 months active duty)................................$4.82 per day.

E-1 (4 months or more active duty) through E-9 .............$5.21 per day.

b. When rations in kind are not available:

E-1 (less than 4 months active duty)..................................$5.45 per day.

E-1 (4 months or more active duty) through E-9 .............$5.89 per day.

c. When assigned to duty under emergency conditions within US (except Alaska and Hawaii) where Government messing facilities are not available:

E-1 (less than 4 months active duty).........not more than $7.21 per day.

E-1 (4 months or more active duty) through E-9 ............not more than $7.80 per day.

## 30137. Prorating Subsistence Allowance

**a. When to Prorate BAS.** Enlisted members may receive prorated BAS for that part of a day:

(1) Before beginning or after end of shore patrol duty (not in travel status) at the BAS rate authorized at the permanent station when shore patrol subsistence allowance is elected.

(2) Before beginning or after end of travel (TDY/TAD or PCS) or hospitalized status at the BAS rate authorized at the permanent station. Proration not required when authorized to mess separately at the permanent station.

(3) Before beginning or after end of TDY-/TAD to field or sea duty, at the BAS rate authorized at the permanent station, when no travel time is required before reporting to and subsequent to detaching from such duty.

(4) After beginning or before end of travel (TDY/TAD or PCS) or hospitalized status at the "when permitted to mess separately" BAS rate (or "emergency ration rate," where authorized). Proration not required when authorized to mess separately at the permanent station.

(5) During which proper authority has determined that a Government messing facility is in fact not available at the permanent station. Prorate at the "when rations in kind are not available" rate. (Applies to rule 3, table 3-1-4.) (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

(6) During which their assigned duties in a nontravel status require them to be absent from their permanent station and their working hours or duties prevent them from eating certain meals in a Government mess when they are normally subsisted in kind.

**★ b. Divisions of the Day.** The following hours are established as reasonable divisions of the day for the purpose of prorating BAS. Prorate BAS at the authorized rate for times at or before and after these hours as applicable:

| | |
|---|---|
| 0700 | Breakfast |
| 1200 | Lunch |
| 1800 | Dinner |

**★c. Prorated Subsistence Allowance.** The prorated BAS applicable for each meal at the "when permitted to mess separately" rate is as follows:

(1) E-1 (less than 4 months active duty):

| | |
|---|---|
| (a) Breakfast | $1.04 |
| (b) Lunch | 1.89 |
| (c) Dinner | 1.89 |
| Total | 4.82 |

(2) E-1 (4 months or more active duty) through E-9:

| | |
|---|---|
| (a) Breakfast | $1.11 |
| (b) Lunch | 2.05 |
| (c) Dinner | 2.05 |
| Total | 5.21 |

**★d. Prorated Subsistence Allowance.** The prorated BAS applicable for each meal at the "when rations in kind are not available" rate is as follows:

(1) E-1 (less than 4 months' active duty):

| | |
|---|---|
| (a) Breakfast | $1.23 |
| (b) Lunch | 2.11 |
| (c) Dinner | 2.11 |
| Total | 5.45 |

(2) E-1 (4 months' or more active duty) through E-9:

| | |
|---|---|
| (a) Breakfast | $1.31 |
| (b) Lunch | 2.29 |
| (c) Dinner | 2.29 |
| Total | 5.89 |

**★e. Prorated Subsistence Allowance.** The prorated BAS applicable for each meal at the "emergency rations" rate is as follows:

(1) E-1 (less than 4 months active duty):

| | |
|---|---|
| (a) Breakfast | $1.53 |
| (b) Lunch | 2.84 |
| (c) Dinner | 2.84 |
| Total | 7.21 |

(2) E-1 (4 months or more active duty) through E-9:

| | |
|---|---|
| (a) Breakfast | $1.66 |
| (b) Lunch | 3.07 |
| (c) Dinner | 3.07 |
| Total | 7.80 |

## 30138. Supplemental Subsistence Allowance

a. Enlisted members granted permission to mess separately at their permanent station may receive the supplemental allowance at the amounts allowable for each meal as shown in subparagraph b below when:

(1) Their assigned duties in a nontravel status require them to be absent from their permanent station and their working hours or duties require them to buy a meal or meals from other than a Government mess.

(2) Proper authority has determined that a Government mess is in fact not available for certain meals. (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

**★b. Rates applicable:**

(1) E-1 (less than 4 months' active duty):

| | |
|---|---|
| (a) Breakfast | $0.19 |
| (b) Lunch | 0.22 |
| (c) Dinner | 0.22 |

(2) E-1 (4 months' or more active duty) through E-9:

| | |
|---|---|
| (a) Breakfast | $0.20 |
| (b) Lunch | 0.24 |
| (c) Dinner | 0.24 |

TABLE 3-1-1

SPECIFIC CONDITIONS OF ENTITLEMENT AND NON-ENTITLEMENT (BAS)—OFFICERS

| RULE | A | B | C | D |
|---|---|---|---|---|
| | When member is | and member has | and member | member is. |
| 1 | in a travel status | | is entitled to mileage, travel per diem allowance, or to other monetary allowances | entitled to BAS. |
| 2 | on leave | | | |
| 3 | in excess leave status | | | not entitled to BAS. |
| 4 | sick in hospital | | | entitled to BAS (note 1). |
| 5 | subsisted in a Government mess or with an organization drawing field rations | | | entitled to BAS (note 2). |
| 6 | serving in an active duty status as intern or resident physician or Nurse Corps officer or candidate at a state, county, municipal, or privately-owned hospital | dependents | subsists separately with the dependents and does not eat meals available without charge at the hospital (note 3) | entitled to BAS. |
| 7 | | no dependents | is furnished meals without charge or meals are available without charge | not entitled to BAS. |
| 8 | training for, attending, or participating in Pan-American games, Olympic games, or other specifically authorized international amateur sports competition | dependents | is subsisted during that period by the sponsoring agency | entitled to BAS. |
| 9 | | no dependents | | not entitled to BAS. |

| | | | | |
|---|---|---|---|---|
| 10 | at home or other non-military place awaiting orders in connection with Physical Evaluation Board proceedings | | | entitled to BAS |
| 11 | absent without authority for more than 24 hours at any one time | | the absence is not excused as unavoidable | not entitled to BAS (note 4) |
| 12 | in confinement; awaiting trial by CM; serving CM sentence to forfeit basic pay but not allowances; serving CM sentence which included total forfeitures, if sentence is set aside and retrial ordered (para 70509b(1)) | | | entitled to BAS (note 1) |
| 13 | a student training on a fellowship, scholarship, or grant | | is furnished subsistence by the fellowship, or grant | not entitled to BAS |

NOTES:

1. Collection for meals furnished will be prescribed by the regulations of the service concerned.
2. Officers will pay for their meals at the prescribed rates either by cash or by collection from pay in accordance with service regulations.
3. Member is not entitled to BAS if furnished meals without charge.
4. Not entitled to BAS for the same number of days that basic pay is forfeited.

TABLE 3-1-2

| DETERMINATIONS OF IMPRACTICABILITY FOR USE OF A GOVERNMENT MESS BY ENLISTED MEMBERS | | | | |
|---|---|---|---|---|
| RULE | A | B | C | D |
| | If | and | and | then |
| 1 | cost of providing the member transportation (Government or commercial) between duty and mess would exceed rations in kind not available rate less the when permitted to mess separately rate | | | use of the Government mess may be determined impracticable, subject to rules 4 and 5 (note 1). |
| ★2 | time between mess and post of duty is 30 minutes or less each way by Govt transportation | there are no other extenuating circumstances | | determination of impracticability will normally not be made. When time between mess and post of duty is more than 30 minutes, or there are extenuating circumstances, apply rule 3 below (note 1). |
| ★3 | assigned duties of members are such that use of Government mess would adversely affect their mission | | | impracticability determination may be made by the Secretary of the military department concerned, or Secretary's designee, irrespective of other factors. Limit BAS to that authorized by rule 4, table 3-1-4. See para 30113c. |

TABLE 3-1-2—Continued

DETERMINATIONS OF IMPRACTICABILITY FOR USE OF A GOVERNMENT MESS BY ENLISTED MEMBERS

| RULE | A | B | C | D |
|---|---|---|---|---|
| | If | and | and | then |
| 4 | member regularly performs duty outside a military installation (such as in a downtown office building) | | messing facilities are available on base and normally used by members at this station | impracticability determination will *not* be made for full rations in kind not available rate. Limit BAS to that authorized by rule 5 or 6, table 3-1-4. |
| 5 | member lives in contract quarters at other than a Government installation | member regularly performs duty at a Government installation where mess is available and quarters are not available to single members | cost of providing the member transportation (Government or Commercial) between contract quarters assigned at other than a Government installation and mess would exceed the difference between the rations in kind not available rate and the when permitted to mess separately rate | determination of impracticability may be made for periods of off-duty (note 2). For amounts payable, see paragraphs 30137d or 30138b. |

NOTES: 1. Time and cost factors need not be applied for the noon meal when enlisted member's place of duty is not a military or naval installation.

2. A member is not entitled to BAS at the rations in kind not available rate during periods of leave, hospitalization or travel status.

TABLE 3-1-3

ESTABLISHING ENTITLEMENT TO THE EMERGENCY RATION RATE

| R<br>U<br>L<br>E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **If** | **and** | **and** | **and** | **then** |
| 1 | an enlisted member's duty assignment is under unusual or emergency conditions, of limited duration and in an out-of-the-way place in the US (notes 1, 2, 3, and 4) | Govt dining facilities are not available | quarters do not have cooking facilities and member is required to purchase all meals from a commercial restaurant or contract mess | the member incurs extraordinary expense in obtaining meals | request authorization of the ERR (paragraph 30112b) (note 5) |

NOTES:

1. ERR is not authorized outside the US or in Alaska or Hawaii.
2. Unusual or emergency conditions are unforeseen and/or uncontrollable circumstances affecting normal duty conditions.
3. Limited duration is when anticipated assignment is for 180 days or less.
4. The duty location will be considered "out-of-the-way" when the distance or traveling time to the nearest Government facilities is such that the use of those facilities would adversely affect performance of the member's duties.

★5. The approving authority will use, as a standard, the national urban average cost for procuring three meals per day from commercial sources. Approval will be based upon the average cost as determined by the Runzheimer survey of major US cities.

TABLE 3-1-4

BAS ENTITLEMENT—ENLISTED MEMBERS—PERMANENT STATION

| R<br>U<br>L<br>E | A | B | C | D | E |
|---|---|---|---|---|---|
| | When enlisted member is | and rations in kind are | and proper authority has | and member is | then, daily rate of BAS is (see paragraph 30136 for rates) |
| 1 | at permanent station (note 5) | furnished by the Govt without charge to member | | | none. |
| 2 | | available but not furnished | granted permission to mess separately | | when permitted to mess separately rate. |
| ★3 | | in fact not available | made determination of nonavailability | | rations in kind not available rate (to prorate see paragraph 30137a (5)) (note 1). |
| 4 | | available but impracticable to furnish (note 2) | made determination of impracticability | | rations in kind not available rate (note 1). |
| 5 | assigned to duty requiring the member to be absent from permanent station and working hours or duties prevent member from eating certain meals in a Government mess | available and furnished for other meals | made determination of impracticability under provisions of table 3-1-2 and approved payment for specified meals | not entitled to travel per diem or mileage allowances | rations in kind not available rate prorated for each meal (paragraph 30137). |

TABLE 3-1-4—Continued

BAS ENTITLEMENT—ENLISTED MEMBERS—PERMANENT STATION

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | When enlisted member is | and rations in kind are | and proper authority has | and member is | then, daily rate of BAS is (see paragraph 30136 rates) |
| 6 | assigned to duty requiring the member to be absent from permanent station and working hours or duties require member to buy a meal or meals from other than a Government mess | available but not furnished for other meals | made determination of impracticability under provisions of table 3-1-2; granted permission to mess separately; and approved payment for specified meals | | when permitted to mess separately rate plus supplemental allowance for each meal (paragraph 30138) (notes 1 and 3). |
| 7 | assigned to duty under emergency conditions with extraordinary subsistence expense (table 3-1-3) | in fact not available | approved authorization for emergency ration rate | | emergency rations rate. |
| 8 | at home or other nonmilitary place awaiting orders in connection with Physical Evaluation Board proceedings | not available | | | rations in kind not available rate (notes 1 and 4). |
| 9 | serving on shipboard | available in a shore mess but not furnished | granted permission to mess separately | | when permitted to mess separately rate. |

TABLE 3-1-4—Continued

BAS ENTITLEMENT—ENLISTED MEMBERS—PERMANENT STATION

| R<br>U<br>L<br>E | A | B | C | D | E |
|---|---|---|---|---|---|
| | When enlisted member is | and rations in kind are | and proper authority has | and member is | then, daily rate of BAS is (see paragraph 30136 for rates) |
| 10 | | available and furnished. | | | none. |
| 11 | | not available (note 6) | | | rations in kind not available rate. |
| 12 | at home or other nonmilitary place awaiting assignment orders, subsequent to separation as a Service Academy Cadet or Midshipman prior to completion of the 4-year program | not available | | | |

NOTES:

1. A member is not entitled to BAS at the rations in kind not available rate during periods of authorized leave, hospitalization, or travel status (TDY/TAD or PCS).
2. This rule applies only to those cases where the impracticability determination is made under rule 3, table 3-1-2.
3. BAS at the rations in kind not available rate is not authorized for periods of absence, pass or liberty. BAS at the when permitted to mess separately rate should be paid for these off-duty periods if permission to mess separately has been granted.
4. Entitlement begins on actual or constructive date of arrival home or other designated place, whichever date is earlier. (Compute constructive arrival date via commercial transportation over shortest usually traveled route).
5. For the purpose of BAS entitlement the permanent station is that station where the dining facility is located. (Does not apply if there is no dining facility in the immediate geographic area.)
6. Applies when shipboard mess is closed while undergoing alterations, repairs or inactivation of ship, and rations are also not available in a shore mess.

TABLE 3-1-5

## BAS ENTITLEMENT—ENLISTED MEMBERS—TRAVEL STATUS, SHORE PATROL DUTY, PROCEED TIME, ATHLETIC TRAINING, OR FIELD/SEA DUTY

| RULE | A | B | C | D |
|---|---|---|---|---|
| | **When enlisted member is** | **and member is** | **and member has** | **then daily BAS rate is (see paragraph 30136 for rates).** |
| ★1 | in a travel status on TDY, TAD or PCS (notes 1, 2, 3, 5, and 6) | not TDY/TAD to field duty or sea duty | | when permitted to mess separately rate (prorated when applicable) (note 4). |
| 2 | training for, attending or participating in Pan American games, Olympic games, or other specifically authorized international amateur sports competition | subsisted by sponsoring agency (not at Government expense) | dependents | rations in kind not available rate. |
| 3 | | | no dependents | none. |
| 4 | on shore patrol duty (in non-travel status) | paid shore patrol subsistence allowance | | none (see paragraph 30137). |
| 5 | on proceed time (note 3) | | | when permitted to mess separately rate. |
| ★6 | TDY/TAD to field or sea duty | | | none (except during periods of leave or hospitalization) (see table 3-1-6). |

NOTES:

1. Members are entitled to BAS at the rate authorized when permission to mess separately is granted for the periods of authorized travel in connection with hospitalization and convalescent leave.

2. Includes TDY/TAD under permissive travel orders.

3. Members will pay for meals eaten in a Government mess either by cash or by collection from pay in accordance with service regulations.

4. Enlisted members on TDY/TAD at a station where proper authority has approved authorization for the emergency ration rate may receive BAS at that rate.

5. Effective 29 Dec 1981, an enlisted member in a travel status who is not entitled to the subsistence portion of per diem because such member is required by direction of the Secretary concerned to subsist with a unit in a Government mess is not entitled to BAS. Determinations of mandatory unit messing requirements made by the Secretary concerned will be contained in individual service regulations.

6. Effective 24 Sep 1983, a member shall not be considered to be performing travel under orders away from that member's designated post of duty (TDY/ TAD or PCS) if such member:

a. Is a non-prior service enlisted member serving on a first tour of active duty.

b. Has not actually reported to a permanent duty station pursuant to orders directing such assignment, and

c. Is not actually traveling between stations pursuant to orders directing a change of permanent duty station.

**TABLE 3-1-6**

**BAS ENTITLEMENT—ENLISTED MEMBERS—LEAVE, HOSPITALIZATION, UNAUTHORIZED ABSENCE**

| R U L E | A | B |
|---|---|---|
| | **When enlisted member is** | **then daily rate of BAS is (see paragraph 30136 for rates)** |
| 1 | on authorized leave, including delay enroute chargeable as leave | when permitted to mess separately rate (notes 1 and 3). |
| 2 | sick in hospital | when peritted to mess separately rate (prorate when applicable) (note 3). |
| 3 | in excess leave status | none. |
| 4 | in an unauthorized absence status | none (note 2). |

NOTES:

1. Members receiving overseas station per diem allowance may continue to receive such in addition to BAS while on leave outside the US, or in Alaska, or Hawaii.

2. Enlisted members receiving BAS forfeit 1 day's BAS for each day of unauthorized absence.

★3. Members will pay for meals eaten in a Government mess, or furnished by the hospital, either by cash or by collection from pay in accordance with the regulations of the service concerned.

# CHAPTER 2

# BASIC ALLOWANCE FOR QUARTERS (BAQ)

## SECTION A—GENERAL PROVISIONS

### 30201. Entitlements

a. BAQ is payable to members on active duty, according to the pay grade in which serving or appointed for basic pay purposes, as set forth in this chapter. See table 3-2-9 for monthly rate.

b. In all cases involving enlisted members and in the cases of officers claiming BAQ for their parents, all waivers and determinations, including determination of dependency and relationships, are made by the Secretary of the department concerned or by persons designated by the Secretary. The designee may redelegate this authority.

### 30202. Determining Dependency or Relationship for BAQ Entitlements—Army and Air Force Personnel

Determinations are made by offices shown in table 3-2-1.

### 30203. Determining Dependency or Relationship for BAQ Entitlements—Navy and Marine Corps Personnel

Determinations are made by offices shown in table 3-2-2.

### 30204. Fraudulent Claims

Any member who submits a claim for BAQ which contains false statements is subject to court-martial or criminal prosecution. In addition, fraudulent acceptance of benefits may cause the civilian recipient to be subject to criminal prosecution. The law provides for severe penalties of imprisonment and a fine. For military personnel, it can include dishonorable separation, total forfeitures, and confinement.

### 30205. Government Quarters—Responsibility for Assignment or Termination of Assignment

The base or installation commander assigns and terminates quarters. The commander also determines when quarters are "adequate" and "suitable" for assignment. Government quarters or housing facilities under control of the uniformed services will be considered as assigned, suitable, and adequate whenever occupied by a member at the permanent station without payment of rental charges. This applies also to quarters furnished a member without charge:

a. By an organization or institution on behalf of the United States; or

b. By a foreign Government for the member's official use; and

c. When jointly assigned to one or more single members.

### 30206. Occupancy of Rental Quarters at US Military Academy

A member is entitled to BAQ while renting quarters in the hotel on the grounds of the US Military Academy.

### 30207. Computation

a. **Computing BAQ.** BAQ is computed in the same way as basic pay.

b. **BAQ for Date of Assignment or Termination of Quarters.** Except when a member is entitled to BAQ in accordance with table 3-2-3, rule 8, while the ship is deployed, BAQ continues to accrue through the day before the date a member is assigned Government quarters or begins to occupy (unassigned quarters on a nonrental basis) Government quarters at the permanent station. BAQ begins to accrue (except as indicated in table 3-2-3) on the day the assignment to Government quarters is terminated. BAQ also begins to accrue on the date that unassigned quarters are in fact vacated.

## SECTION B—MEMBERS WITHOUT DEPENDENTS

### ★30211. Entitlements

Members without dependents who are entitled to basic pay are entitled to BAQ at rates prescribed in table 3-2-9, under conditions contained in table 3-2-3. Except while on field or sea duty, members without dependents, in pay grades above E-6, may elect at any time not to occupy assigned Government quarters at the permanent duty station and become entitled to BAQ unless the Secretary of the service concerned, or the Secretary's designee, has determined that the member's exercise of this option would adversely affect a training mission, military discipline, or readiness. See table 3-2-3 for BAQ entitlement while on field or sea duty.

## 30212. Uninhabitable Officers Quarters Aboard Ship

a. A member may be reimbursed for expenses (not to exceed the total of the BAQ of a member of the same grade without dependents and the variable housing allowance that could be paid to a member of the same pay grade in accordance with the JTR) incurred in obtaining quarters, when any of the persons listed in b below certify that:

(1) Such a member is prevented from occupying quarters assigned aboard a ship on which the member is serving on sea duty because such quarters are uninhabitable due to repairs, overhaul, conversion, or other conditions; and

(2) Government quarters are not available; and

(3) The hire of quarters is not practicable. A member entitled to BAQ may not be reimbursed for expenses under the conditions of this paragraph when such member can reside with dependents who are living in the area of the ship's location. A member's dependents are considered to be living in the area of the ship's location when the residence is within a distance of 50 miles (or 1-1/2 hours travel time), one-way, of such location or the member actually commutes daily, regardless of distance. The term "commutes daily" excludes duty periods when the member is required to remain aboard or within close proximity to the ship. See paragraph 30313 for application of the distance and travel time restriction.

b. The certification may be signed by one of the following persons:

(1) The commandant of any naval district.

(2) The commanding officer of any US Naval base.

(3) The supervisor of shipbuilding of any shipyard or drydock where US Naval ships are undergoing repair or conversion.

(4) The squadron or division commander of a group of ships.

(5) The commanding officer of the ship when it is impracticable for the certificate to be executed by persons listed in (1) through (4) above.

c. These provisions are effective 1 Oct 1983 through 30 Sep 1984.

## 30213. Missing Status

Members without dependents carried in a missing status are entitled to BAQ at the without dependent rate (see paragraph 40303b).

## 30214. Partial BAQ Entitlement

a. A member, without dependents, who is assigned to single-type quarters or is on field or sea duty, and is not entitled to receive a basic allowance for quarters, is entitled to partial BAQ at the rates provided in table 3-2-9.

b. Conditions:

(1) Member, without dependents, assigned to single-type Government quarters at the permanent station and entitled to partial BAQ, who is subsequently sick in a hospital (no PCS involved), continues to be entitled to partial BAQ while hospitalized.

★(2) Member, grade E-6 or below, without dependents, who is offered an assignment of Government quarters, or is assigned Government quarters but elects not to occupy such quarters and resides in private quarters at own expense, is considered assigned to Government quarters and not entitled to BAQ. Therefore, such member is entitled to partial BAQ.

(3) Partial BAQ is not authorized during proceed time, leave en route, and/or travel time on PCS unless member is assigned to single-type Government quarters and not entitled to BAQ.

(4) Member married to another member, who has no dependents other than his or her spouse, is entitled to partial BAQ when assigned to single-type Government quarters and not entitled to BAQ. However, such members assigned to family-type Government quarters are not entitled to partial BAQ.

(5) A member occupying single-type Government quarters, whose dependents reside in family-type Government quarters, is not entitled to BAQ and therefore, is entitled to partial BAQ, provided the family quarters are not assigned under the member's eligibility.

(6) A single member without dependents is not entitled to partial BAQ when assigned to family-type Government quarters.

★(7) A member, without dependents, on sea duty being reimbursed under paragraph 30212 for the expense incurred for quarters when the quarters aboard ship are uninhabitable is entitled to partial BAQ.

(8) Member, without dependents, confined in a guardhouse, brig, or correctional barracks, who was assigned to single-type Government quarters before confinement and remains assigned to such quarters during confinement, is entitled to partial BAQ unless forfeiture of allowance was directed.

(9) Member, without dependents, who is restrained in a status of arrest in assigned single-type Government quarters, and therefore not entitled to BAQ, is entitled to partial BAQ unless forfeiture of allowances was directed.

(10) Member, without dependents, being treated at a hospital (PCS involved), and assigned quarters in the hospital is entitled to partial BAQ.

(11) Member married to another member, neither having other dependents, who is assigned to sea duty and occupies Government family quarters assigned to the spouse when vessel is in port, is considered a member without dependents assigned to quarters on the vessel and is not entitled to BAQ, but is entitled to partial BAQ.

(12) Member without dependents who is ordered PCS to confinement in a guardhouse, brig, correctional barracks, or to additional training in a retraining or rehabilitation facility, is assigned to certain quarters therein and not entitled to BAQ, is entitled to partial BAQ unless forfeiture of allowances was directed.

★(13) Member without dependents, assigned to single-type Government quarters between permanent duty stations and not entitled to BAQ, is entitled to partial BAQ. This includes periods in excess of 30 days Government quarters are temporarily occupied without entitlement to BAQ.

(14) Member, without dependents, is not entitled to partial BAQ when assigned to Government single-type quarters (including Government leased quarters) that substantially exceed the minimum standards of single quarters for the member's grade.

SECTION C—MEMBERS WITH DEPENDENTS

### 30221. Entitlements

**a. When Entitled to BAQ.** A member with dependents who is entitled to basic pay is entitled to BAQ at the rates prescribed for members with dependents when:

(1) Adequate Government quarters are not furnished for the member and dependents without payment of rental charge.

(2) Adequate Government quarters are not furnished for the member's dependents, or dependents are prevented by competent authority from occupying such quarters, even though quarters are assigned for the member's occupancy. Does not apply to the provisions of paragraph 30237.1.

(3) Dependents are not en route or do not accompany the member to the permanent duty station, or the vicinity thereof, so as to preclude assignment of family quarters. Under such circumstances the mere availability of quarters which could have been assigned does not defeat the right of a member to the basic allowance for quarters for dependents.

**b. Naval Aviation Cadets.** A naval aviation cadet with dependents is entitled to BAQ under the conditions and at the rates prescribed for an enlisted member in pay grade E-4 (over 4 years' service) with dependents.

**c. Limitation on Quarters Occupied by Member.** When adequate quarters are not furnished for a member's dependents, the member may not occupy, either at the permanent or TDY station, Government quarters which exceed the minimum standards for the member's grade without dependents without affecting the right to BAQ, unless the only quarters available:

(1) Exceed the minimum standards; and

(2) Are made available for joint occupancy with other members.

**d. Quarters Occupied During Special Duty Assignment.** A member serving outside the US, its territories, or possessions, in a duty assignment which has official or diplomatic responsibilities involving officials of foreign governments, may be assigned quarters which exceed minimum standards without affecting the member's right to BAQ. However, such quarters must not be available on a continuing basis for single occupancy if they are adequate for assignment as family housing to members of similar grade.

**e. Additional Room Assigned to Chaplain.** Assignment of an additional room to a chaplain for spiritual purposes does not affect the member's right to BAQ. The room must be used for official duties and not as living quarters.

### 30222. Government Quarters Assigned or Occupied

**a. Adequacy of Government Quarters.** The term "Government quarters or housing facilities" is defined in the Glossary of Terms. The base, post, or installation commander determines when Government quarters are adequate and appropriate for assignment.

**b. Quarters Not Designated as Family Type Quarters.** A member who is neither assigned to nor occupies Government quarters is entitled to BAQ for dependents even though the dependents occupy Government quarters not designated as family type quarters. Examples of such quarters are:

(1) One room occupied by a member's spouse incident to employment as a domestic servant in quarters of a commissioned officer.

(2) Dormitory quarters occupied by a member's child at a school for dependents of military personnel.

(3) A hospital room occupied by a dependent under the Dependents' Medical Care Act. However, a member is not entitled to BAQ when a sole dependent is hospitalized in a Government or civilian hospital under the Dependents' Medical Care Act and the member is assigned to and occupies Government quarters (even though private quarters are maintained and occasionally occupied).

**c. Quarters Furnished on Behalf of the US.** A member is not entitled to BAQ for dependents if the member and dependents are furnished adequate family quarters on behalf of the US without rental charge. Examples of such quarters are:

(1) Family quarters furnished a member in an official capacity by a foreign Government.

(2) Family type quarters furnished by a state, county, municipal, or privately owned hospital to an officer serving on active duty as an as an intern or resident physician.

(3) Family type quarters furnished by a college, university, or research facility as part of a fellowship, scholarship or grant.

**d. Quarters Occupied by Dependents.** A member furnished single-type quarters is not entitled to BAQ on behalf of:

(1) A spouse who is a sole dependent and who is furnished quarters in kind as a civilian employee at a Government hospital.

(2) A spouse who is a sole dependent and who is furnished Government quarters while serving with the American Red Cross overseas.

(3) A sole dependent who is a student nurse in training at a Government hospital. However, BAQ is payable on behalf of a dependent who is a student nurse in training at a civilian hospital.

(4) Dependents evacuated from a danger area, who occupy Government housing facilities at a safe haven.

(5) Dependents, alone or when accompanied by member, who occupy Government quarters assigned to another member for a continuous period of more then 90 days. Under these circumstances BAQ is not payable for any portion of the period of occupancy. Visits of 90 days or less may be considered social visits of a temporary nature, and do not cause loss of BAQ.

(6) Any dependent(s), if one or more of the member's dependents occupy the quarters with the member on a permanent basis or on a social visit in excess of 7 days, unless other dependents are precluded by competent orders from residing with the members.

**e. Quarters Occupied by Dependents During Member's Sea Duty or Field Duty.** A member whose dependents occupy public quarters while the member is on sea duty or field duty is entitled to BAQ for a period not to exceed 7 days (see rule 2, table 3-2-5 ).

**f. Rental Quarters (Other Than Inadequate Quarters).** A member and dependents who occupy the following facilities on a rental basis are entitled to BAQ. (See the Glossary of Terms for definition of "rental charge.")

(1) Any housing facilities, including trailers, under the jurisdiction of the Government other than public quarters constructed or designated for occupancy without charge. The member may sublease such quarters to a temporary sublessee with or without charge and neither the sublessor nor sublessee will lose their right to BAQ.

(2) The hotel on the grounds of the US Military Academy.

(3) Quarters furnished a member in connection with service in a capacity other than that of a member; for example, while serving under Panama Canal employment.

**g. Quarters at Safe Haven Temporarily Occupied by Dependents.** A member is entitled to otherwise proper credit of BAQ for dependents when:

(1) The member's dependents occupy Government provided housing at a safe haven area after emergency evacuation from private housing at the permanent station; and

(2) Due to conditions beyond the member's control is required to continue payment of rental for the private housing in order to house furnishings and belongings and to have quarters available upon return of the dependents.

(3) This entitlement will continue until such time as dependents are authorized to return to member's permanent duty station or arrive at a designated place as contemplated

by paragraph M7101, JTR.

### 30223. Quarters Designated as Inadequate Quarters

**a. Entitlement to BAQ.** A member with dependents may be assigned designated inadequate quarters on a rental basis without loss of BAQ. This does not apply to bachelor officer quarters, visiting officer quarters, guest houses, and similar type facilities, or to assigned quarters undergoing ordinary repairs. Orders stating that quarters were inadequate while repairs were being made do not operate to authorize BAQ during the period involved.

**b. Effect of Subleasing Inadequate Quarters.** The member may share the quarters with others or permit occupancy by others while on leave of absence. The member may also sublet the quarters on a rental basis wihout loss of BAQ, the amount of rent being immaterial.

**c. Rental Charge for Inadequate (substandard) Quarters.** Effective 1 Oct 1982, the rental charge will be the fair rental value for such quarters, except the rental charge may never exceed 75 percent of the occupant's BAQ at the with dependents rate. If BAQ is later increased, the rental charge will be increased accordingly.

**d. Effective Date of BAQ and Rental Charge.** BAQ and rental charge begin on the date of the member's assignment to such quarters or on the date the determination of inadequacy is effective, whichever is later.

**e. Computation of BAQ and Rental Charge.** Compute BAQ and rental charge on a 30-day month basis and prorate at one-thirtieth of the monthly rate for each day inadequate quarters are assigned. Do not pay BAQ or charge rent for the 31st day of a month. Pay 3 days BAQ and charge 3 days rent when inadequate quarters are assigned on the 28th of February. Do not charge rent for the day the assignment is terminated. BAQ accrues for the day of termination if Government quarters are not occupied on that day.

**f. Inadequate Quarters Redesignated Adequate.** Rental charges and BAQ cease on and after the date rehabilitated inadequate quarters are redesignated as adequate public quarters. If a member's assignment was continued during the period of rehabilitation, the redesignation of adequacy will be made effective as of the first day of the month following the month in which the rehabilitation was completed.

**g. Husband and Wife Entitled to BAQ.** When a husband and wife are both members who jointly occupy inadequate family quarters on a rental basis, they are entitled to BAQ according to their dependent status as provided by table 3-2-4. The rental charge for the quarters will be the fair rental value of such quarters, not to exceed 75 percent of the with dependent rate BAQ which would be payable to a member of the same grade and rank as the member under whose eligibility the quarters are assigned. Collection will be made as follows:

(1) Army and Air Force: 50 percent from each member.

(2) Navy and Marine Corps: Collect rental charge solely from pay account of the member to whom the quarters are assigned. This applies even though the rental charge may exceed the BAQ allowance for that member.

For interservice marriages, the rental charge will be collected in accordance with the policy of the service furnishing the quarters.

★**h. Rental Charge for One Member Entitled to BAQ at the Without Dependent Rate.** Whe one member entitled to BAQ at the without dependents rate, occupies inadequate family quarters, the rental charge is based on the with dependents BAQ rate of the member and computed as in paragraph 30223c. Situations contemplated by this paragraph may arise when in the case of a member married to a member, there is a divorce, legal separation, or separation resulting from military orders.

### 30224. Dependent

The term "dependent" for BAQ purposes is the same as defined in the Glossary of Terms.

a. A member is not entitled to BAQ on behalf of:

(1) A minor child who is entitled to basic pay as a member on active duty in any uniformed service. This includes a minor child attending one of the military service academies where quarters are furnished by the US.

(2) A spouse who is on active duty in a uniformed service of the US and entitled to basic pay and allowances in own right. When

both spouses are in the military service and entitled to basic pay and allowances.See table 3-2-4 for guide to BAQ entitlement.

(3) A dependent for whom the member has been absolved of the requirements to provide support, for example, desertion without cause, marital infidelity.

(4) A dependent whose whereabouts is unknown and whose absence or whereabouts remains unexplained.

(5) A former spouse to whom the member is paying alimony ordered by a divorce decree.

b. A member is entitled to BAQ on behalf of a spouse in military service of a Government other than the US. This applies even though furnished quarters or paid a monetary allowance in lieu of quarters by that Government.

c. Dependency must be approved before entitlement to BAQ is authorized. After initial approval, the services must maintain adequate levels of internal audit to assure the legality, propriety, and correctness of all disbursements for BAQ. See individual service regulations for procedures.

### 30225. Entitlement During Leave, Travel Status, etc.

See table 3-2-5.

### 30226. Effective Dates To Start and Stop BAQ

See tables 3-2-6, 3-2-7, 3-2-8.

## SECTION D—RULES FOR DETERMINING RELATIONSHIP AND DEPENDENCY

### 30231. Application of Rules

This section includes rules and factors used in determining relationship or dependency for BAQ entitlement. It is to be used:

a. By applicable officers in determining relationship or dependency for those classes of dependents for which they are authorized in tables 3-2-1 or 3-2-2 to decide.

b. To guide applicable officers in counseling members about their rights to BAQ on behalf of dependents.

### 30232. Lawful Spouse and Legitimate, Unmarried, Minor Children

A member's lawful spouse and legitimate, unmarried, minor children are at all times considered dependents for BAQ purposes, except under the situations shown below and in paragraphs 30224a or 30236. A determination of relationship is required, but usually a determination of dependency is not. In all instances of a member having a spouse on active duty, full details must be given showing full name, social security number, duty station, and branch of service of that spouse.

a. When two members, with no other dependents, are married to each other, they may elect which member will receive BAQ on behalf of their adopted children or children born of their marriage. Such election must be agreed to by both members. If the members cannot agree as to the election, entitlement to BAQ for their children will rest with the senior member. Entitlement may later be transferred to the other member in the event of promotion or similar change of circumstances which would merit such transfer. These elections can only be applied to BAQ entitlement for current and future months and cannot be applied retroactively. When only a stepchild is involved, either the stepparent or the natural parent may claim that child for BAQ purposes. The stepparent must meet the requirements of paragraph 30239 to be entitled to BAQ on behalf of the stepchild. However, if the natural parent objects to the other member claiming the stepchild, then BAQ entitlement rests with the natural parent.

b. When one of two members married to each other is already receiving BAQ at the with dependents rate on behalf of an adopted child(ren), child(ren) from a previous marriage, or an illegitimate child(ren), then any child(ren) born of their marriage or adopted by them, is considered to be within the class of dependents for which the member is receiving BAQ, and the other member may not claim the children for BAQ purposes. However, if the other member elects to stop receiving BAQ at the with dependents rate, then the other member may claim the child(ren) of their marriage or adopted by them for BAQ purposes.

c. When one of the two members married to each other is receiving BAQ at the with dependents rate on behalf of a dependent parent(s), then the other member would be entitled to BAQ at the with dependent rate on behalf of child(ren) born of their marriage, their adopted child(ren), child(ren) of a previous marriage, or an illegitimate child(ren), provided government family quarters are not assigned or occupied and no other member is entitled to the BAQ on behalf of the child(ren) of a previous marriage or an illegitimate child(ren).

### 30233. Validity of Member's Marriage

Any case where the validity of a member's marriage is questioned is considered a case of doubtful relationship. Cases in this category include:

**a. Remarriage Within Prohibited Period Following Divorce.** Under the laws of some states, a marriage is not dissolved until a specified period has elapsed after granting of a divorce decree. Remarriage is prohibited within the specified period. Moreover, in all states which grant an interlocutory decree before they grant a final divorce decree, remarriage may not be contracted before the final decree is granted.

**b. Marriage by Proxy.** Proxy marriages are considered valid if performed in a jurisdiction which recognizes common-law marriages and has no statute or judicial determination prohibiting proxy marriages.

**c. Marriage by Telephone.** A marriage by telephone will be recognized as entitling a member to BAQ on behalf of a "lawful spouse" only if a statute or court decision authorizes or recognizes telephone marriages in the jurisdiction where the marriage was performed.

**d. Common-law Marriages.** Under laws of certain States an informal (common-law) marriage may be entered into by persons who do not obtain a license to marry or go through certain other formalities. Common-law marriages entered into in those States are considered valid if they are contracted in accordance with State law.

**e. Foreign Nation Divorce.** A foreign nation divorce may or may not be recognized as valid in the US, depending on several factors. These factors include place of residence of the parties involved, whether they appeared in person to obtain the divorce, and applicable state laws. Any claim involving remarriage of a member following a foreign nation divorce and any claim by or on behalf of the spouse from whom the member has obtained a foreign nation divorce, are cases of doubtful relationship. A claim based on a member's marriage to a person who has obtained a foreign nation divorce is also a doubtful case.

**f. Purported Marriage:**

(1) Void Marriage. If a member's marriage is void (because of a pre-existing marriage of the spouse, for example) the member has no lawful spouse and is not entitled to BAQ as a result of the purported marriage. When invalidity of the marriage is discovered, no further BAQ payments may be made for any period (see rule 4, table 3-2-7). The member may retain payments already received if they are validated under section E, chapter 7, part seven. When validity of a marriage is questionable, submit the case to the office shown in subparagraph (3) for a determination on validity of the marriage and, if necessary, validation of payments already made.

(2) Annulled Marriage. If a member's marriage is annulled by court decree no further BAQ payments may be made for any period (see rule 3, table 3-2-7). The member may retain payments received before the effective date of the decree. Since validation under section E, chapter 7, part seven, is required for retention of such payments in some annulment cases (based on legal factors) submit all annulment cases to the office shown in subparagraph (3) for review and, if necessary, validation of payments made.

★(3) Determination and Validation. Submit requests for determination on validity of a marriage or for validation of payments to the appropriate address shown below:

(a) Army

Commander
US Army Finance and Accounting Center
ATTN: FINCP-BD
Indianapolis IN 46249

(b) Navy

Director
Navy Family Allowance Activity
Anthony J. Celebrezze

Federal Building
Cleveland OH 44199

(c) Marine Corps
Commandant of the Marine Corps
(Code MPH-82)
Washington DC 20380

(d) Air Force
AFAFC/AJCD
Denver CO 80279

### 30234. Child of Marriage Null in Law

An unmarried minor child of a ceremonial marriage null in law, or annulled as void or voidable, is an eligible dependent for BAQ purposes unless and until a court finds such child is illegitimate. See paragraph 30238 concerning entitlement to BAQ for an illegitimate child.

### 30235. Reserved

### 30236. Support of Dependent

★Proof of support of a lawful spouse or unmarried, minor, legitimate child of a member is generally not required. However, when a complaint of nonsupport or inadequate support is received from or on behalf of a dependent, proof of support as stated in subparagraph e, below, will be required. Failure to support a dependent, on whose behalf BAQ is being received, will result in nonentitlement to BAQ and recoupment for periods of nonsupport. If a member is not entitled to BAQ for dependents under any of the subsequent subparagraphs, consider entitlement to without dependent or partial rate BAQ under section B, this chapter.

**a. Divorced or Legally Separated Parents Are Both Members:**

(1) When one member is ordered to pay support for a child(ren) in the other member's legal custody and government family quarters are not occupied or assigned, the member ordered to pay support is entitled to claim the child(ren) for BAQ purposes, provided the monthly support ordered is not less than the difference between that member's "with" and "without" dependents BAQ rates. When BAQ rates are later increased, support payments must be adjusted accordingly. Failure to provide such support to the dependent on whose behalf BAQ is received will result in nonentitlement to BAQ, recoupment for periods of nonsupport, and transfer of the entitlement to the member with custody of the child(ren).

(2) When a member is paying support as specified in (1) above, and claiming the child for BAQ purposes, the other member with legal custody of the child is entitled to BAQ at the without dependents rate, provided government quarters are not occupied or assigned.

(3) When the member paying support as specified in (1) above declines to claim the child for BAQ purposes, the member with custody of the child may claim the child for BAQ purposes, if providing substantial support to the child. The declination should be in writing if at all possible and may later be revoked by the issuing member. If the member paying child support acquires or has other dependents on which to base entitlement to with dependents rate BAQ, it may be assumed without a formal declination that the member is not claiming the child for BAQ purposes, and the member with custody of the child may claim the child for BAQ purposes, if providing substantial support to the child.

(4) When each member has legal custody of one or more children of the marriage with neither member ordered to support the child(ren) in custody of the other, and the child(ren) in custody of one member do not reside in the same household as the child(ren) in custody of the other, then either or both members are entitled to BAQ on behalf of the child(ren) in their custody, provided government family quarters are not occupied or assigned. If one member is ordered to support the child(ren) in custody of the other in the amount specified in (1) above, then only the member paying support is entitled to claim BAQ on behalf of the children of the marriage.

(5) When one member has legal custody of the children of the marriage and the other member is ordered to provide support for only part of the children in the amount specified in (1) above, then only the member paying support is entitled to claim BAQ on behalf of the children of the marriage, provided government quarters are not occupied or assigned. Subparagraphs (2) and (3) above also apply.

**b. Member Refuses To Support.** BAQ is not payable on behalf of a dependent whom a member refuses to support.

NOTE: A member does not avoid the legal responsibility to comply with a court order for support by forfeiting BAQ.

**c. Legal Separation Agreement or Court Decree, Judgment or Order Silent on Support, Not Stating Amount of Support, or Absolving Member of Support Responsibility.** A legal separation agreement, court decree, judgment or order, that is silent on dependent support, does not state the amount of dependent support, or absolves the member of dependent support responsibility, does not of itself deprive the member of BAQ for a lawful dependent(s) (as defined in the Glossary of Terms). This is true regardless of the jurisdiction in which the decree, agreement or order was issued or in which the dependent(s) are domiciled. The member is entitled to BAQ if he or she contributes to the support of the dependent(s) in the full amount of the BAQ, or a reasonable amount requested by or on behalf of the dependent(s), whichever is less, but in no case may the support contributions be less than the difference between the member's applicable "with" or "without" dependents BAQ rates. If satisfactory evidence is received that the member has not provided the support specified above, action will be taken to recoup BAQ from the member for any period such support was not provided.

**d. Legal Separation Agreement or Court Order Stating Amount of Support.** If there is a court order or legal separation agreement stating the amount of support, the member must contribute to the support of the dependent the amount specified therein, or the full amount of BAQ, whichever is less, but in no case may the support payments be less than the difference between the applicable BAQ at the "with" and "without" dependents rate. If satisfactory evidence is received that the member has not provided the support specified above, action will be taken to recoup BAQ from the member for any period adequate support has not been provided.

**e. Complaints of Nonsupport or Inadequate Support.** When support requirements are established as in subparagraphs a, c, and d above, they will apply. If the support requirements are not established by court order or mutual agreement as in those subparagraphs, the member must provide proof of support in an amount that is at least the lesser of (1) the BAQ received on behalf of the claimed dependent(s), or (2) a reasonable amount requested by or on behalf of the dependent(s); however, in no case may the support contributions be less than the difference between the "with" and "without" dependents BAQ rates applicable to the member's grade. The amount of support required for entitlement to retain or receive BAQ on behalf of dependent(s) does not necessarily mean that such amount is deemed adequate to meet the policy of the service concerned as to what constitutes adequate support in the absence of a written mutual agreement or court order.

**f. Settlement Agreement:**

(1) Property settlements made under a court order or written agreement are not considered support for BAQ purposes.

(2) Payments made under a settlement in place of support are considered support for the period expressly provided in the written agreement or court order.

(3) A lump-sum settlement in place of support made under written agreement or court order is considered support for the period the lump sum would reasonably cover support of the dependent.

**g. Interlocutory Decree of Divorce.** If an interlocutory decree of divorce does not provide for support to the spouse, the member is not entitled to BAQ for the spouse after the date of the decree unless proof of support is furnished.

**h. Doubtful Cases.** Submit any doubtful cases involving support for determination by authority shown in tables 3-2-1 or 3-2-2.

## 30237. Child Living With Former Spouse Remarried to Another Service Member

a. If the child's stepparent is assigned public quarters and the child occupies such quarters, determine the divorced member's entitlement to BAQ for the child as follows:

(1) The divorced member is not entitled to BAQ if assigned to or occupying Government quarters or if on field duty (unless required to procure quarters at own expense), or on sea duty. (For this purpose, duty for less than 3 months is not field or sea duty.)

(2) If the divorced member provides sup-

port as required in paragraph 30236, the member may receive BAQ as a member without dependents for periods not assigned to or occupying Government quarters and not on field or sea duty (3 months or more).

b. If the child's stepparent is not assigned public quarters, but is paid BAQ, the divorced member is entitled to BAQ on behalf of the child, if otherwise eligible, even if assigned to or occupying single-type Government quarters. However, BAQ may not be paid to both the stepparent and natural parent at the same time for the same dependent. The natural parent has priority to BAQ if supporting the child.

### 30237.1. Child Living With Former Spouse—Member Remarries

a. The provisions of subparagraph 30221a(2) are not for application in the case of a member who is required to support a child in the custody of a former spouse when the member remarries and is assigned to and/or occupies Government family quarters. The member is not entitled to basic allowance for quarters on behalf of the child living with the former spouse. This is equally applicable when, upon remarriage, the member marries a member.

b. If in a above the remarriage is member-to-member with child(ren) born of marriage, and the member paying child support vacates Government family quarters on PCS assignment with quarters being reassigned to spouse and child(ren), then member reassigned PCS is entitled to with dependents BAQ for child(ren) of former marriage when such member or child(ren) do not reside in Government family quarters.

c. When the former spouse with child custody in a above is also a member, the former spouse may claim the child(ren) for BAQ purposes if not assigned to Government family quarters and the member paying support has made a declination in accordance with paragraph 30236a(3).

### 30237.2. Child(ren) Living With Former Spouse or Estranged Spouse Who Is Member Assigned Family Quarters

When the member parent having custody of the child(ren) is assigned to or occupies adequate family-type Government quarters with the child(ren) while receiving child support, then the member parent paying child support is entitled to BAQ as follows:

a. When the member is assigned to or occupying single-type Government quarters, no BAQ entitlement exists.

b. When the member is not assigned to or occupying single-type Government quarters, the member is entitled to BAQ at the without dependents rate.

### ★30237.3. Child Living With Former or Estranged Spouse in Family Quarters Visits Member.

When a child(ren) who normally resides in Government family quarters with a member's former or estranged custodial spouse visits with the member in private quarters for more than 90 days, the visit is considered non-temporary and the member may claim BAQ for the child(ren) from the first day of the visit. If the visit is 90 days or less, BAQ is not payable for any part of the visit.

### 30238. Illegitimate Child

Public Law 93-64, 9 Jul 1973, amended 37 USC 401 to include in the definition of a dependent, an unmarried illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member-father or mother. Such a dependent must be either under 21 years of age or, because of a mental or physical incapacity, incapable of self-support and in fact dependent on the member. A member may claim basic allowance for quarters (BAQ) on behalf of an illegitimate child within the following guidelines:

a. **General.** A member who claims BAQ on behalf of an illegitimate child must show proof of parentage. In cases involving foreign court decrees, parentage must also be admitted in writing and under oath. Proof of in-fact dependency is required in all cases and will be recertified annually. This requires documentary evidence to substantiate that support has been provided in an amount not less than that specified in subparagraph b or c below. A voluntary allotment payable to or on

**behalf of a child in the applicable amount is adequate evidence to show proof of intent to provide continued support.**

**b. Illegitimate Child is in Physical Custody of Another Person and Member is Assigned Single-Type Government Quarters.** The member-parent may claim such child as a dependent if proof is shown that monthly support provided the child is at least equal to the applicable BAQ at the "with dependents" rate.

**c. Illegitimate Child is in Physical Custody of Member-Parent or Another Person and Member is Not Assigned Government Quarters.** The member-parent may claim such child as a dependent if proof is shown that monthly support is provided in an amount the greater of:

(1) over one-half of the child's support, or

(2) the difference between the applicable BAQ at the "with" and "without" dependents rates.

In any case where (1) above exceeds the applicable BAQ at the "with dependents" rate, support in at least the amount of the BAQ at the "with dependents" rate will be considered adequate.

★**d. When Both Parents Are in the Service.** When both parents are members of the armed forces, the one having physical custody of the illegitimate child is the only one authorized BAQ on behalf of that child. If neither has physical custody, the member providing chief support of the illegitimate child is considered to be the only member with a dependent for entitlement to BAQ on behalf of such child. In either case, the member-parent must meet the applicable guidelines furnished above. If the parents are subsequently married to each other, the child is then considered a legitimate child of the marriage and paragraph 30232 applies.

**e. When Illegitimate Child Adopted by Another Person.** BAQ does not accrue to the natural father or mother of an illegitimate child when such child has been adopted by another person.

**f. When Member Marries Mother of Illegitimate Child.** The member may claim the illegitimate child of his spouse as a dependent, although he is not the father of the child. The child qualifies as a dependent, in the same manner as any other stepchild, when the member has accepted full responsibility for that child by marriage to the child's mother.

## 30239. Adopted Child or Stepchild

**a. Adopted Child.** A child adopted by a member is an eligible dependent for BAQ entitlement if a final decree of adoption has been entered and the child is, in fact, dependent upon the member. In cases involving interlocutory decrees, and those where the child receives support from other sources, see tables 3-2-1 and 3-2-2.

**b. Stepchild.** A stepchild is an eligible dependent for BAQ entitlement if the child is in fact dependent on the member. This includes an illegitimate child of the spouse, when the member is not the blood parent (see paragraph 30238f). A member is not entitled to BAQ for a stepchild if the child is receiving support from the natural parent, who receives BAQ for the child. A stepparent-stepchild relationship ends upon divorce from the blood parent, but not upon death of the blood parent. Hence, entitlement to BAQ for a stepchild may be established after death of the blood parent.

**c. In Fact Dependency.** An adopted child or a stepchild is considered in fact dependent if the member contributes a substantial portion of the child's support, and if the child's welfare would be affected without this contribution. Residence in the member's household does not of itself establish dependency, nor is a child in fact dependent if the member's contributions merely improve the child's living conditions.

## 30240. Dependent Child Adopted by a Third Party

A member is not entitled to BAQ for a child after the child is adopted by a third party and final order or decree of adoption has been entered. Entitlement to BAQ continues after an interlocutory decree has been entered if the decree does not change the legal relationship between the child and adopting parent, and the member supports the child.

## 30241. Spouse or Child Confined in Penal or Correctional Institution

**a. BAQ Payable.** Confinement of a member's lawful spouse or unmarried minor child in a penal or correctional institution does not affect member's right to BAQ on the dependent's behalf, unless:

(1) The member refuses to support the dependent; or

(2) The member has been absolved from supporting the dependent; or

(3) The period of confinement may extend beyond 5 years; or

(4) The case is otherwise doubtful.

**b. Doubtful Cases.** Submit case involving sentence extending beyond 5 years, and any other doubtful cases, as follows:

(1) Officer's Dependent. Request advance decision of the Comp Gen of the US. Do not credit BAQ pending decision.

(2) Enlisted Member's Dependent. Send case to addresses shown in subparagraph 30233f(3) for determination. Do not credit BAQ pending determination if sentence provides for confinement beyond 5 years.

### 30242. Reserved

### 30243. Dependent Parent

The term "parent" is defined in the Glossary of Terms. The term "dependent" as applied to father or mother means two dependents, if applicable.

**a. Basis of Determination.** Dependency of a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under regulations prescribed by the Secretary concerned. Upon receipt of the member's application, the authority designated in tables 3-2-1 or 3-2-2 sends a form to the parent for completion (thus delaying notification to the disbursing officer of final action on the member's application). A custodian or legal guardian may complete the form for a mentally incompetent parent. If a parent dies before completing the affidavit, payment of BAQ is precluded.

**b. Dependence Requirement.** A member does not qualify for BAQ on behalf of parents because of relationship alone. The additional factor of dependency must be met. The parents must be dependent upon the member for over one-half of their support. This means:

(1) The parents' income, not counting the member's contribution, must be less than one-half of their monthly living expenses.

(2) The member's contribution must be more than (a) the parent's income from all other sources and (b) one-half the parent's monthly living expenses.

**c. Change in Status of Dependent.** A member may be paid BAQ for any active duty period during which dependency of the parent is shown to exist, whether the dependency arose before or after the member entered service. If dependency arises because of changed circumstances, and the facts show the member has started to contribute over one-half of the parents' support, BAQ is authorized from the date the contribution began. No waiting period is required.

**d. Stepparent.** A stepparent-stepchild relationship ends upon divorce from the blood parent, but not upon death of the blood parent. Hence, BAQ entitlement because of a stepparent may be established after death of the blood parent.

### 30244. Factors Used in Parent Determinations

**a. Family Unit Rule.** In determining dependency of a parent, the total income and expenses of the family unit of which the parent is a member must be considered. Normally, the member's contribution to the expenses of the unit must exceed one-half of the unit's total expenses before any one person in the unit can be considered dependent on him or her. For example, a mother cannot be considered dependent if she is a member of a family unit in which her husband is supporting himself but is not providing sufficiently for the mother's individual needs.

**b. Equity and Good Conscience.** When application of the family unit rule results in manifest injustice, any other available evidence of dependency is considered, and determination made according to principles of equity and good conscience.

**c. Charity.** Contributions made to parents by charitable organizations are not considered income.

**d. Parents in a Charitable Institution.** Residence of a parent in a charitable institution, public or private, is not a bar to entitlement if the member claims BAQ on behalf of the parent and other conditions of entitlement are met.

**e. Social Security Unemployment Compensation, and Pensions.** Payments made to the parent from Social Security and unemployment compensation are considered income. Pensions received by the parent are also considered income.

**f. Capital Assets.** Unliquidated capital assets are not considered income, and parents are not required to deplete their capital assets in order to establish dependency on a member for BAQ purposes. However, proceeds derived from the liquidation of capital assets are considered income. Amounts placed in reserve for depreciation of property held for income normally are considered available for current living expenses of a parent, and are therefore, income.

**g. Rate of Return Rule.** In determining dependency of parents who possess uninvested capital, compute the income return on the basis of 5-1/4 percent per annum.

## SECTION E—PAYMENT OF BAQ, MEMBERS IN A NONPAY STATUS

### 30251. Entitlements

BAQ for members in pay grades E-1, E-2, E-3, or E-4 (4 years or less service) with dependents is authorized under the same conditions as specified for other enlisted members except that during periods such members are in a nonpay status as specified below, entitlement shall be as follows:

**a. Unauthorized Absence or in Hands of Civil Authorities.** For a period not to exceed 2 months from the first day of absence, BAQ at the rate being credited a member at the time absence commenced may be paid to a dependent on whose behalf BAQ was claimed prior to commencement of the absence, under the following conditions:

(1) The member has been in an unauthorized absence status for more than 29 consecutive days.

(2) The dependent applies for payment of BAQ and the application is received by appropriate authority within 3 months after the date absence commenced.

(3) If the service concerned fails to provide timely notice to dependents of their right to apply for BAQ, a waiver of the 3-month stipulation in subparagraph a(2) above may be granted on a case-by-case basis by the authority specified in subparagraph b(1) below. If such a waiver is granted, payment may only be made on those applications received within 2 months after the dependents are properly notified of their right to submit such applications.

(4) No positive information has been received that the dependent is residing or has joined the member at the place of absence.

★(5) If a member is assigned Government family-type quarters (adequate or inadequate) no payment of BAQ may be made.

(6) Payment of BAQ will not be made directly to the member on behalf of a dependent. Payment shall be made only to dependents residing in the home of the member, that is, members of the family unit whom member would ordinarily control and supervise as the head of the family. This includes dependents who were not, by reason of separation pursuant to competent orders, actually residing with the member at the time absence commenced.

**b. Pretrial Confinement in a Foreign Country.** Payment of BAQ is authorized as follows:

(1) For enlisted members in pay grades E-1, E-2, E-3, and E-4 (4 years or less service). Payment is authorized for a period not to exceed 2 months under the conditions stated in subparagraph a above. For any subsequent months there must be a showing of hardship on the dependent and approval on a case-by-case basis as follows:

Army—Commander, USAFAC
DACA-FAP-PAE,
Indianapolis IN 46249

Air Force—HQ USAF/MPXE
Washington DC 20330

Navy—Commander, Naval Military
Personnel Command (NMPC-64)
Washington DC 20370

Marine Corps—Commandant of the Marine Corps (Code MPH)
Headquarters Marine Corps
Washington DC 20380

(2) For enlisted members in pay grades E-4 (over 4 years' service) and above (Cases where there has been a showing of hardship on the dependent). The approval authority for the initial and any subsequent payments is as shown in (1), above. No payment may be made without the approval of such authority on a case-by-case basis. Payments are subject to the conditions stated in a(1), (2), (3), (5), and (6) above. See service regulations for procedures on processing claims.

c. **Excess Leave.** BAQ will continue to be paid to a member in pay grade E-4 (4 years or less service) or below, with dependents, for a period not to exceed 2 months during which an excess leave status exists unless it is anticipated that member will not return to duty, for example, appellate leave. The 2-month period shall be computed from the first day of excess leave.

9

★ TABLE 3-2-1

**WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR BAQ ENTITLEMENT FOR ARMY AND AIR FORCE MEMBERS**

| | A | B | C | D | E | F | G | H | I | J |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | **Then—** | | |
| | | | | | | | | **determination is made by** | | |
| **R U L E** | **If dependent claimed is a** | **and marriage is** | **and is under 21 years** | **and is** | **and certified court adoption papers are** | **and child has income from sources other than the member** | **and is incapable of self support because of mental or physical incapacity** | **Army—disburing officer or designee** | **Air Force—AFO/or designee,** | **send a claim to USAFAC for determination, opinion, or submission to CG** |
| 1 | Spouse | lawful | | | | | | X (note 8) | X | |
| 2 | | of questionable legality (note 1) | | | | | | | X (note 9) | X |
| 3 | child, unmarried | | yes | legitimate, or legitimated by marriage of blood parents | | | | X (notes 4 and 8) | X (note 4) | |
| 4 | | | yes | adopted (note 3) | available (note 5) | no | | X (notes 4 and 8) | X (note 4) | |
| 5 | | | yes | adopted (note 3) | available (note 5) | yes | | | X (notes 4 and 9) | X (note 6) |

**TABLE 3-2-1—Continued**

**WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR BAQ ENTITLEMENT FOR ARMY AND AIR FORCE MEMBERS**

| RULE | A | B | C | D | E | F | G | H | I | J |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Then— | | |
| | | | | | | | | determination is made by | | |
| | If dependent claimed is a | and marriage is | and is under 21 years | and is | and certified court adoption papers are | and child has income from sources other than the member | and is incapable of self support because of mental or physical incapacity | Army—disbursing officer or designee | Air Force—AFO/or designee, | send a claim to USAFAC for determination, opinion, or submission to CG |
| 6 | child, unmarried | | yes | adopted<br>(note 3) | not available | | | | X<br>(notes 4 and 9) | X<br>(note 6) |
| 7 | | | yes | stepchild<br>(notes 3 and 7) | | no | | X<br>(note 4) | X<br>(note 4) | |
| 8 | | | | | | yes | | | X<br>(notes 4 and 9) | X<br>(note 6) |
| 9 | | | yes | illegitimate child of member or legitimated by affidavit or court order | | | | | X<br>(note 9) | X |
| 10 | | | no | | | | yes<br>(note 2) | | X<br>(note 9) | X |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 11 | child, married | terminated by divorce, annulment, or death of spouse | yes | | | | | | X<br>(note 9) | X |
| 12 | parent, (including "in loco parentis") (note 2) | | | | | | | | X<br>(note 9) | X |

NOTES:

1. Includes common-law spouse; those married by proxy or telephone or within a prohibited period following divorce, or a divorce granted by a foreign country; and purported marriages.

2. Must be in fact dependent on service member for over one-half of his or her support.

3. Must be in fact dependent on service member for substantial portion of support.

4. Applies also if child is in custody of someone other than service member (divorced spouse, parent, etc.).

5. If this is interlocutory decree of adoption, case must be submitted to USAFAC or AFAFC for determination or submission to the Comp Gen.

6. In case of Army member, claim will be sent to USAFAC only when determination cannot be made by disbursing officer under chapter 2, part 3, AR 37-104-3 or is not covered by note 8.

7. This includes an illegitimate child of the spouse, when the member is not the blood parent. See paragraph 30238f.

8. In the case of Army Reserve component (RC) personnel initial determinations for dependents listed in rules 1, 3, and 4 can be made by the RC unit commander.

★9. Claim will be sent to AFAFC only when determination cannot be made by AFO or designee as prescribed in AFM 117-373, volume IV, or when requesting submission to Comp Gen.

TABLE 3-2-2

WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR NAVY OR MARINE CORPS MEMBERS

|  | A | B | C |  |  |  | D | E | F |  |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  |  |  | and member is a |  |  |  |  |  | then determination is made by |  |  |  |  |
| RULE | If dependent claimed is | and | Navy officer | Marine Corps officer | Navy enlisted member | Marine Corps enlisted mbr | and | and | Navy Family Allowance Activity | Commandant of Marine Corps | Commanding Officer of a battalion, squadron, or separate detached command | Disbursing officer | Claim must be submitted thru channels for determination or submission to CG of US for decision , |
| 1 | any person who can qualify as a dependent |  |  |  | X |  |  |  | X |  |  |  |  |
| 2 | a spouse | marriage is legal (unquestionable) | X |  |  |  |  |  |  |  |  | X |  |
| 3 |  |  |  | X |  | X | neither member has been previously married | marriage was contracted within the various states or territories by legal civil or religious ceremony |  |  | X (note 1) |  |  |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 4 | a spouse | marriage is of doubtful legality (see paragraph 30233) | | | | X | | | | X | | | |
| 5 | | | X | X | | | | | | | | | X |
| 6 | an unmarried legitimate child | child is under 21 years of age | X | | | | | | | | | X (note 2) | |
| 7 | | | | X | | | | | | | X (note 2) | | |
| 8 | | | | | | X | dependent is child of present or former spouse (note 3) | | | | X (note 4) | | |

TABLE 3-2-2—Continued

| R U L E | A | B | C |  |  |  | D | E | F |  |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  | If dependent claimed is | and | and member is a |  |  |  | and | and | then determination is made by |  |  |  |  |
|  |  |  | Navy officer | Marine Corps officer | Navy enlisted member | Marine Corps enlisted mbr |  |  | Navy Family Allowance Activity | Commandant of Marine Corps | Commanding Officer of a battalion, squadron, or separate detached command | Disbursing officer | Claim must be submitted thru channels for determination or submission to CG of US for decision |
| 9 | a combination of any of the dependents in rules 2 thru 8 |  |  |  |  | X |  |  |  |  | X<br>(note 4) |  |  |
| 10 | an unmarried child | child is over 21 years of age | X | X |  |  |  |  |  |  |  |  | X |
| 11 |  |  |  |  |  | X |  |  |  | X |  |  |  |
| 12 | a stepchild or an adopted child | child's dependency relationship is not doubtful | X |  |  |  |  |  | X |  |  |  |  |
| 13 |  |  |  | X |  |  |  |  |  |  | X |  |  |
| ★14 |  |  |  |  |  | X |  |  |  | X |  |  |  |

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **15** | | child's dependency relationship is doubtful | X | X | | | | | | | | X | |
| **16** | | | | | | X | | | | X | | | |
| **17** | an illegitimate child | | X | X | | | | | | | | X | |
| **18** | | | | | X | | | | X | | | | |
| **19** | | | | | | X | | | | X | | | |
| **20** | a parent | | X | | | | | | X | | | | |
| **21** | (including "in loco parentis") | | | X | | X | | | | X | | | |

NOTES:

1. This same rule applies when either member or spouse has been previously married, if the previous marriage was dissolved by death, final decree of divorce, or by annulment (not prohibiting remarriage).

2. Submit doubtful cases through channels to the Comp Gen of the US.

3. The birthdate of child must be after the date of the marriage concerned.

4. Submit questionable cases to the Commandant of the Marine Corps.

TABLE 3-2-3

BAQ ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY

| R U L E | A | B | C |
|---|---|---|---|
| | Member is | then: BAQ accrues | BAQ does not accrue |
| 1 | assigned to a permanent station | if Government quarters or housing facilities are not assigned (**notes 3 and 11**) | if member is assigned or occupies Government quarters suitable and adequate for the member's grade (notes 9 and 10). |
| 2 | | while on short period of special alert duty during which the member is furnished sleeping accommodations at the permanent station where Government quarters are not available for assignment | |
| 3 | | while on short training periods not to exceed 45 days during which, due to military necessity, the member is furnished sleeping accommodations at the permanent station where Government quarters are not available for assignment | |
| 4 | assigned to an off-ship crew of a nuclear powered submarine, temporarily serving ashore for more than 15 consecutive days for training and rehabilitation | if Government quarters are not available at the training or rehabilitation site | if adequate Government quarters are available for occupancy at the training or rehabilitation site. |
| 5 | in pay grade E-4 (less than 4 years' service) or lower and is ordered to report for TDY in connection with the fitting out or conversion of a vessel and permanent duty aboard when the vessel is placed in commission | if per diem allowance is not authorized for the period of TDY (note 1) | if quarters are available or member is entitled to per diem allowance for the period of such duty. |

| | | | |
|---|---|---|---|
| 6 | on field duty or sea duty for less than 3 months (note 2) | if receiving BAQ at permanent station and that station remains unchanged | if assigned quarters at permanent station, or if reassigned PCS |
| 7 | on field duty for 3 months or more (note 2) | if the coomander certifies that the member was required to provide quarters at own expense at the field duty site | at permanent station or, if member is not required to procure quarters at own expense, at the field duty site |
| 8 | on sea duty for 3 months or more (note 2) | if member is grade E-7 or above on sea duty while aboard ship in homeport or overhaul and elects after 30 Sep 1980 not to occupy available quarters or is in receipt of BAQ at a permanent duty station and reports TAD to the ship (note 14 and 15). | (1) if member is grade E-6 or lower;<br>(2) after the 90th day a unit is deployed and the member is grade E-7 or higher (note 13) |
| ★9 | on authorized leave, accrued, advanced, or in connection with release from active duty or discharge (PCS not involved) | if receiving BAQ at permanent station or assigned quarters are terminated incident to separation (notes 3 and 11) | if assigned quarters at permanent station. |
| 10 | on excess leave | | for any period of time |
| 11 | sick in hospital, or on sick leave from a hospital (PCS not involved) | if receiving BAQ at permanent station, (notes 3 and 11) | if assigned quarters at permanent station. |
| 12 | being treated at hospital TDY en route PCS; or assigned PCS direct to hospital for treatment | if not assigned quarters | if assigned quarters in the hospital |
| 13 | on TDY (PCS not involved), or TAD, including such duty on transport or under permissive orders (notes 6, 12, and 16) | if receiving BAQ at permanent station | if assigned quarters at permanent station |

|  |  |  |  |
|---|---|---|---|
| ★14 | in pay grade E-4 (4 or more years'service) or higher, in travel status on PCS, including TDY en route, leave en route and proceed time; or is assigned PCS and is on authorized leave or duty at the old or new station (note 6) | if member is not assigned Govt qtrs, or for the first 30 days member temporarily occupies Govt qtrs at any one location (notes 4, 7, and 11) | if member is assigned Govt qtrs or for any period in excess of 30 days member temporarily occupies Govt qtrs at any one location. |
| 15 | in pay grade E-4 (less than 4 years' service) or lower, and is in a travel status on PCS, including leave en route and proceed time (note 8) |  | on and after the day of departure from old station. |
| ★16 | in pay grade E-4 (less than 4 years' service) or lower, assigned PCS and is on authorized leave or duty at the old or new station | for not more than 30 days that member temporarily occupies Govt qtrs incident to the PCS at either old or new station (notes 4 and 11) | for period of occupancy of Govt qtrs not incident to a PCS. |
| 17 | in pay grade E-4 (less than 4 years' service) or below, initially assigned to a station for basic training, and after completion of such training performs temporary duty at that location pending the receipt of orders designating a permanent duty station to which member will report | between the date of completion of basic training and the date member departs the basic training station to comply with PCS orders, when Govt qtrs are not available for assignment |  |

TABLE 3-2-3—Continued

BAQ ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY

| R<br>U<br>L<br>E | A | B | C |
|---|---|---|---|
| | **Member is** | **then: BAQ accrues** | **BAQ does not accrue** |
| 18 | in pay grade E4 (4 or more years' service) or higher assigned to active duty and is performing temporary duty at other than basic training station pending receipt of orders designating a permanent duty station to which member will report upon completion of temporary duty | when Government quarters are not available for assignment | |
| 19 | in pay grade E4 (less than 4 years' service) or lower assigned to active duty and is performing temporary duty at other than basic training station pending receipt of orders designating permanent duty station to which member will report upon completion of temporary duty | between the date of commencement of temporary duty and the date of receipt of orders naming a permanent duty station when Government quarters are not available for assignment | |
| 20 | in pay grade E-4 (4 or more years' service) or higher, ordered home or to a place other than a military organization awaiting further orders in connection with physical evaluation board proceedings | on and after day of departure from hospital or old station through day of discharge, or day prior to effective date of retirement | |
| 21 | in pay grade E-4 (less than 4 years' service) or lower ordered home or to a place other than a military organization awaiting further orders in connection with Physical Evaluation Board proceedings | on and after day of arrival at the designated place, through day of discharge, or day prior to effective date of retirement (note 5) | while in travel status from hospital to the designated place or during delay en route chargeable as leave. |

| | | | |
|---|---|---|---|
| 22 | training for, attending or participating in Pan Am or Olympic games, or other international amateur sports competition | if not furnished quarters by the Government or by an agency sponsoring the member's participation | if furnished quarters by the Government, or by an agency sponsoring participation. |
| 23 | a medical officer on active duty in an intern or resident physician status at a state, county, municipal, or private hospital | if not furnished quarters without charge by the hospital | if furnished quarters, without charge by the hospital. Such quarters are considered furnished on behalf of the US. |
| 24 | a student training on a fellowship, scholarship or grant | if not furnished quarters by the college, university, or research facility | if furnished quarters by the college, university, or research facility. Such quarters are considered furnished on behalf of the US. |
| 25 | Nurse Corps officer or Nurse Corps candidate attending a course of instruction or affiliating with a state, county, municipal, or private hospital | if member is not furnished quarters without charge | if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the US. |
| 26 | in confinement in a guardhouse or brig pursuant to a court-martial | if acquitted, the charges are withdrawn or the sentence is set aside or disapproved and member is otherwise entitled to BAQ | if not receiving BAQ on date before the day of confinement, or assignment to Govt qtrs was not terminated before or during the period of confinement. |
| 27 | a Reserve member is pay grade E-4 (4 or more years' service), or above, ordered to active duty or active duty for training | at duty station and for authorized travel time from home to first duty station and from last duty station to home (note 7) | for any period Govt qtrs are occupied. (notes 9 and 10) |
| 28 | a Reserve member in pay grade E-4 (less than 4 years' service) or lower, ordered to active duty or active duty for training | if the member was not assigned Govt qtrs at the duty station (note 7) | |

NOTES:

1. BAQ accrues from the date of reporting through the day before the date the ship is placed in full commission, reduced commission, or in service not in commission, whichever occurs first.

★2. For the definition of sea duty, see paragraph 10703. For the purpose of payment of BAQ under rules 6, 7, and 8, duty for a period of less than 3 months is not considered to be field duty or sea duty. Ship-based staffs are not considered to be on sea duty for BAQ purposes when the entire staff is ordered ashore by written orders and the duty ashore is not considered to be service in a self-propelled vessel that is in an active status, in commission or in service and is equipped with berthing and messing facilities.

3. When not assigned to Govt qtrs at the permanent station, BAQ accrues for up to 7 consecutive days at one location where Govt qtrs are temporarily occupied while in a duty or authorized leave status not incident to PCS. BAQ for a 7-day period is not forfeited if occupancy exceeds 7 days.

4. Entitlement to BAQ for 30 days in Govt qtrs applies only when occupancy of Govt qtrs is of a temporary nature incident to the PCS as certified by the commander of the station involved (for rule 16 the period of entitlement must be after receipt of PCS orders and before departure from old station and/or after arrival at new station).

5. Entitlement begins on actual or constructive date of arrival home or other designated place whichever date is earlier. (Compute constructive time arrival date via commercial transportation over shortest usually traveled routes.)

6. Also applies to members entitled to pay and allowances while attending school under Operation Bootstrap.

7. BAQ and per diem may be credited for the same periods, if otherwise qualified.

8. This rule is not applicable when a member is performing temporary duty under PCS orders at a station which is ultimately the member's permanent duty station upon completion of the temporary duty; in such instances, see rule 1 of this table.

9. Govt qtrs in fact occupied without payment of rental charges shall be deemed to have been assigned as appropriate and adequate quarters.

10. Does not apply to temporary occupancy of Govt qtrs as a guest of another member for periods of 90 days or less. If a member occupies Govt qtrs assigned to another member for a continuous period of more than 90 days, BAQ entitlement does not exist for any portion of such period of occupancy.

★11. The intent of these entitlements is that BAQ continue for a maximum of 7- or 30-days at any one location. Movement from one unit of Govt qtrs to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 7 or 30 days without loss of BAQ. Occupancy of Govt qtrs at different locations creates a new 7- or 30-day period at each location. However, if Govt qtrs at one location are considered to be occupied by a member at the same time the member occupies Govt qtrs at a second location, a new 7- or 30-day period does not begin at the second location.

12. A member away from permanent station may occupy quarters of the US designated for members without dependents at the member's temporary duty station without affecting the member's right to receive payment of basic allowances for quarters or assignment of quarters, if any, at the member's permanent station. Under such circumstances, a member may not occupy quarters of the US which exceed the minimum standards for members of that grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.

13. The term "deployed" shall apply to time during which the unit is at sea or in a port more than 50 miles from its homeport; provided, however, time during which the unit is in a port for overhaul or extended

repairs is not to be considered deployed time. Unanticipated overhauls or extended repairs which occur during a period scheduled as extended deployment in the mission assignment of the ship is time deployed unless otherwise classified by appropriate command authority.

14. Members in grade E-7 or above, who are assigned to an off-ship crew of a nuclear powered submarine, are entitled to BAQ under rule 8 upon reassignment as the on-ship crew provided entitlement accrued during training and rehabilitation.

★15. A member is also entitled to receive BAQ for the first 90 days after reporting to a deployed vessel, if the homeport of that ship is the same as the previous assignment and the member was receiving BAQ at the homeport. Members on TAD to the ship are also entitled to BAQ for the first 90 days after reporting to the deployed vessel if in receipt of BAQ at the permanent duty station prior to being detached on TAD.

16. For members below pay grade E-7, entitlement does not exist during TDY or TAD if quarters are assigned or furnished at the permanent station, even though the quarters are vacated at the beginning of the TDY or TAD.

TABLE 3-2-4

BAQ ENTITLEMENT FOR SPOUSES IN UNIFORMED SERVICE—FAMILY TYPE QUARTERS NOT ASSIGNED (Notes 1–8)

|  | A | B | C | D |  | E |  | F |  |
|---|---|---|---|---|---|---|---|---|---|
| RULE | When member A has dependents other than spouse | and member B has dependents other than spouse | and members acquire child(ren) (note 9) | and single type Government quarters are assigned to (note 10) |  | then member A is entitled to BAQ as a member |  | and member B is entitled to BAQ as a member |  |
|  |  |  |  | member A | member B | with dependent | without dependent (note 12 and 14) | with dependent | without dependent (note 12 and 14) |
| 1 | No | No | No |  |  |  | X |  | X |
| 2 | No | No | No | X | X |  |  |  |  |
| 3 | No | No | No | X |  |  |  |  | X |
| 4 | No | No | No |  | X |  | X |  |  |
| 5 | No | No | Yes |  |  | X<br>(note 11) |  |  | X |
| 6 | No | No | Yes | X | X | X<br>(note 11) |  |  |  |
| 7 | No | No | Yes | X |  | X<br>(note 11) |  |  | X |
| 8 | No | No | Yes |  | X | X<br>(note 11) |  |  |  |
| 9 | Yes | No | No |  |  | X<br>(note 13) |  |  | X |
| 10 | Yes | No | No | X | X | X<br>(note 13) |  |  |  |
| 11 | Yes | No | No | X |  | X<br>(note 13) |  |  | X |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 12 | Yes | No | No | | X | X<br>(note 13) | | | |
| 13 | Yes | No | Yes | | | X | | | X |
| 14 | Yes | No | Yes | X | X | X | | | |
| 15 | Yes | No | Yes | X | | X | | | X |
| 16 | Yes | No | Yes | | X | X | | | |
| 17 | Yes | Yes | No | | | X | | X | |
| 18 | Yes | Yes | No | X | X | X | | X | |
| 19 | Yes | Yes | No | X | | X | | X | |
| 20 | Yes | Yes | No | | X | X | | X | |
| 21 | Yes | Yes | Yes | | | X | | X | |
| 22 | Yes | Yes | Yes | X | X | X | | X | |
| 23 | Yes | Yes | Yes | X | | X | | X | |
| 24 | Yes | Yes | Yes | | X | X | | X | |

NOTES:

1. When family-type quarters are jointly occupied by the members, neither member is entitled to BAQ, even though the dependents do not reside in the quarters, unless dependents are prevented by military orders from occupying quarters.

2. Rules 1 through 24 apply equally whether or not members are assigned to the same or adjacent bases or shore installations.

3. When husband-wife members are stationed at the same or adjacent military installations, both members are normally authorized BAQ at the appropriate rate when family-type quarters are not assigned, notwithstanding the availability of adequate single quarters for either or both members.

4. Members may be considered to be stationed at the same or adjacent bases or shore installations when they are not precluded by distance from living together, or they actually commute on a regular basis, regardless of distance.

5. When husband-wife members have no other dependents and are precluded by distance from living together, they will normally be treated as members without dependents for purposes of entitlement to BAQ (see table 3-2-3).

6. When husband-wife members, who are both entitled to BAQ at the same or adjacent military installation, are geographically separated by competent orders and one member remains assigned to the old duty station, that member will normally be authorized continuance of BAQ notwithstanding the availability of adequate single quarters for assignment to either member.

7. BAQ at the rate payable to members without dependents is authorized during travel status after departure from the old permanent station, or during a period of leave, delay en route, or proceed time between permanent duty stations, provided the members are in pay grade E-4 (4 year's or more service) and above, are not in receipt of BAQ for other dependents, and are not assigned to Govt qtrs en route or temporarily occupy Govt qtrs for more than 30 days at any one location.

8. When not assigned to Govt qtrs at the permanent station, BAQ accrues for up to 7 consecutive days at one location where Govt qtrs are temporarily occupied while in a duty or authorized leave status not incident to PCS. BAQ for a 7-day period is not forfeited if occupancy exceeds 7 days.

9. Refer to paragraph 30232.

10. If either column in column D is blank, that member is not assigned to single-type Govt qtrs.

11. For purposes of this table, the members have agreed that member A is to receive BAQ at the with dependents rate (paragraph 30232a).

12. See table 3-2-3, DODPM, for BAQ entitlement when a member is on field or sea duty.

13. When the dependents in column A, rules 9 through 12, are children from a prior marriage or illegitimate children residing with member A, the members may elect for member B to receive BAQ for stepchildren, in accordance with subparagraph 30239b, and member A to receive without dependents rate BAQ when not occupying single quarters.

★14. When one member enters a non-pay status, the other member may claim the member not entitled to pay and allowances as a dependent and be authorized to draw BAQ at the with dependent rate for the duration of the non-pay status if otherwise entitled (for exception see paragraph 30241).

★TABLE 3-2-5

BAQ ENTITLEMENT, MEMBERS WITH DEPENDENTS

| R U L E | A<br>If member is | B<br>and is entitled to BAQ at the permanent station | C<br>and the member and dependents temporarily occupy Govt qtrs (note 1) | D<br>and if the member is an | E<br>then BAQ entitlement |
|---|---|---|---|---|---|
| 1 | in a duty or authorized leave status not incident to PCS (includes accrued, advanced, or convalescent leave) | Yes | No | | continues. |
| 2 | | | Yes | | continues, but not for more than 7 consecutive days at one location where Govt qtrs are temporarily occupied. BAQ for 7-day period is not forfeited if occupancy exceeds 7 days (notes 2 and 3). |
| 3 | | No | | | does not exist. However, if quarters assignment at the permanent station is terminated while on duty at the beginning of or during leave, rules 1 and 2 apply on and after date of termination. |
| 4 | on excess leave | Yes | | officer or enlisted member in pay grade E-4 (over 4 years' service) or higher | does not exist except as provided in paragraph 30251c for members in pay grade E-4 (4 yrs or less) and below (note 4). |

*TABLE 3-2-5

BAQ ENTITLEMENT, MEMBERS WITH DEPENDENTS

| R U L E | A<br>If member is | B<br>and is entitled to BAQ at the permanent station | C<br>and the member and dependents temporarily occupy Govt qtrs (note 1) | D<br>and if the member is an | E<br>then BAQ entitlement |
|---|---|---|---|---|---|
| 5 | in a duty, travel or leave status incident to PCS (includes TDY en route) | | No | | exists unless permanent Govt qtrs are assigned or occupied. |
| 6 | | | Yes (note 5) | | exists, but not more than 30 days at any location where Govt qtrs are temporarily occupied (notes 2 and 3). Entitlement does not exist if permanent Govt qtrs are also assigned or occupied. |
| 7 | on TDY or TAD, not incident to PCS | Yes | No | | continues as long as the permanent station remains unchanged, except as restricted by paragraph 30221c. |
| 8 | | | Yes | | continues, but not for more than 7 consecutive days at one location where Govt qtrs are temporarily occupied. BAQ for 7-day period is not forfeited if occupancy exceeds 7 days (notes 2 and 3). |
| 9 | | No | | | does not exist. |

| | | | | | |
|---|---|---|---|---|---|
| 10 | AWOL, not excused as unavoidable | | | officer or enlisted member | does not exist. |
| 11 | absent due to disease | Yes | | | continues. |
| 12 | (as distinguished from injury) from alcohol or drugs, causing loss of pay | No | | | does not exist. However, if qrts assignment at the permanent station is terminated during an absence, BAQ accrues on and after date of termination. |
| 13 | home on PCS awaiting further orders in connection with physical evaluation board proceedings | | No | | continues until member's retirement or discharge. |
| 14 | | | Yes | | does not exist. |

NOTES:

1. Does not apply to occupancy of Govt qtrs as guest of another member by a member and dependents, or dependents alone, for periods of 90 days or less. If a member and dependents, or dependents alone, occupy Govt qtrs assigned to another member for a continuous period of more than 90 days, the member is not entitled to BAQ for any portion of such period of occupancy.

2. BAQ credit continues if member has additional dependents who are precluded by competent authority from occupying Govt qtrs or facilities furnished member and spouse, or spouse alone.

★3. The intent of these entitlements (rules 2, 6, and 8) is that BAQ continue for a maximum of 7 or 30 days at any one location. Movement from one unit of Govt qtrs to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 7 or 30 days without loss of BAQ. Occupancy of Govt qtrs at different locations creates a new 7-or 30-day period at each location. However, if Govt qtrs at one location are considered to be occupied by a member at the same time the member occupies Govt qtrs at a second location, a new 7-or 30-day period does not begin at the second location.

4. BAQ does not accrue during excess leave if member is not to continue in service after leave expires. Example: Member released from disciplinary barracks on Commandant's parole, and placed in excess leave status until sentence is ordered executed.

★5. Applies whether temporary occupancy of Govt qtrs is at old station, while enroute, or at new station. However, occupancy is limited to guest houses or other transient facilities. Family housing is excluded for such use.

**TABLE 3-2-6**

**DATE TO START BAQ—MEMBERS WITH DEPENDENTS**

| RULE | A | B |
|---|---|---|
| | If member | then BAQ begins on, |
| 1 | enlists, or is called to EAD | date of enlistment or entry on active duty, if member is not assigned Govt qtrs for member and dependents on that date. |
| 2 | is appointed to commissioned or warrant officer status | date active duty pay begins, if member is not assigned Govt qtrs for member and dependents on that date. |
| 3 | occupies Govt quarters with dependents and quarters assignment is terminated | date of termination of assignment, unless dependents continue to occupy the quarters. This is date quarters are vacated, if definite assignment is not required. |
| 4 | occupies Govt quarters with dependents and the quarters are declared inadequate | date on which designation of inadequacy of quarters is effective, if member and dependents continue to occupy such quarters. |
| 5 | acquires a dependent (marriage, birth, adoption, etc.) (note 1) | date dependent is acquired, if member is not assigned Govt quarters for member and dependent(s) on that date (note 2). |
| 6 | acquires a dependent while in an unauthorized absence status | date member is returned to a pay status after apprehension or surrender, if member is not assigned Govt quarters for member and dependents on that date (note 3). |
| 7 | claims dependent parent | date determined or approved by authority shown in table 3-2-1 or 3-2-2. |
| 8 | claims doubtful dependent | |

NOTES:

1. Includes dependent acquired while member is on authorized leave.
2. a. Applies to sole dependent of officer or enlisted member.
   b. Applies to any dependent on whose behalf a member is entitled to increased BAQ.
   c. BAQ starts with date of member's marriage even though marriage occurs on same day as divorce from another member.
   d. When blood parents of an illegitimate child marry, the child becomes a legitimate dependent for BAQ purposes.
   e. In the case of Navy members, BAQ will not be started more than 6 months prior to submission of the application without prior approval by the authority shown in table 3-2-2.
3. If there has been any change in the status of dependents on whose behalf BAQ existed on the date an unauthorized absence commenced, a member must reestablish the right to BAQ.

TABLE 3-2-7

## DATE TO STOP BAQ—CHANGES IN DEPENDENCY STATUS

| RULE | A | B |
|---|---|---|
| | **If the sole dependent (note 1)** | **then stop BAQ at 2400 hours of the day** |
| 1 | dies | of death. |
| 2 | is divorced | of the final decree of divorce (note 1). |
| 3 | is a spouse in a voidable (not void) marriage which is dissolved by final annulment decree | before date of the decree. (No payment BAQ may be made on or after date of the decree, regardless of credits accrued and not paid. BAQ paid before the date of decree may be retained) (note 2). |
| 4 | is a spouse in an invalid (void) marriage | before discovery of invalidity of the marriage. (No payment of BAQ may be made on or after date of discovery, regardless of credits accrued and not paid. Retention of BAQ paid before that time depends on validation under section E, chapter 7, part seven). |
| 5 | becomes of age (except a child who is incapable of self-support because of mental or physical incapacity) | before the child's 21st birthday. |
| 6 | marries (regardless of age, or mental or physical incapacity) | of the child's marriage. (Applies even though child's marriage is to a service member who is also entitled to BAQ on child's behalf for that date). |
| 7 | is adopted by a third party by interlocutory order or decree which has effected a changed legal relationship | before date of adoption (note 3). |
| 8 | is adopted by a third party and a final order or decree has been entered | before date of adoption. |
| 9 | enters military service | before day of entry into service. |
| 10 | is one who must be "in fact" dependent on member, and such dependency ceases | before date dependency ceases. |

NOTES:

1. Applies also when an affinitive relationship between a member and step-child ceases because of divorce from the child's parent.
2. Applies also when affinitive relationship between a member and step-child ceases because of annulment of marriage.
3. Case involving Army or Air Force member must be sent to USAFAC or AFAFC for determination as to whether order of decree effected a changed legal relationship. Cases involving Navy or Marine Corps members should be forwarded to the Navy Family Allowance Activity or the Commandant of the Marine Corps, respectively.

**TABLE 3-2-8**

**DATE TO STOP BAQ—OTHER THAN CHANGES IN DEPENDENCY STATUS**

| R U L E | A | B |
|---|---|---|
| | **If member** | **then stop BAQ at 2400 hours of the day** |
| 1 | is furnished Govt qtrs at the permanent station, adequate for the member and dependents | before the day qtrs are assigned (or before day occupancy begins, if definite assignment not made) (note 1). |
| 2 | is furnished qtrs (cash or in kind) on behalf of the US, adequate for the member and dependents | before day qtrs are furnished. |
| 3 | and dependents occupy inadequate qtrs which are rehabilitated and designated as adequate qtrs | before effective date of redesignation as adequate qtrs. |
| 4 | and dependents occupy Govt qtrs at the permanent station during family's visit, not incident to PCS (note 2) | before commencing the 8th consecutive day of occupancy (note 3). |
| ★5 | and dependents temporarily occupy Govt qtrs while on leave (not incident to PCS), or while in a travel status incident to PCS, including delay en route chargeable as leave | see table 3-2-5. |
| 6 | is absent without leave | see table 3-2-5. |
| 7 | is discharged or released from active duty | of discharge or release. |
| 8 | is retired | before effective date of retirement. |
| 9 | dies | of death. |

NOTES:

1. When dependents are prevented from occupying the assigned qtrs because of orders of competent authority, BAQ continues until transportation is arranged for household goods and is available for the dependents (if prompt application is made), plus the normal travel time for dependents to the member's station.
2. Does not apply to occupancy of Govt qtrs as guest of another member by a member and dependents, or dependents alone, for periods of 90 days or less. If a member and dependents, or dependents alone occupy Govt quarters assigned to another member for a continuous period of more than 90 days, the member is not entitled to BAQ for any portion of such period of occupancy.
3. BAQ credit continues if the member has additional dependents who are precluded by competent orders from residing with the member.

***TABLE 3-2-9**

**MONTHLY RATES OF BAQ EFFECTIVE 1 OCTOBER 1985**

| Pay Grade | Without Dependents |  | With Dependents(Note 3) |
|---|---|---|---|
|  | Full Rate (Notes 2 and 3) | Partial Rate (Note 2) |  |
| 0-10 | $553.50 | $50.70 | $680.70 |
| 0-9 | 553.50 | 50.70 | 680.70 |
| 0-8 | 553.50 | 50.70 | 680.70 |
| 0-7 | 553.50 | 50.70 | 680.70 |
| 0-6 | 507.90 | 39.60 | 617.40 |
| 0-5 | 479.40 | 33.00 | 568.80 |
| 0-4 | 439.50 | 26.70 | 519.90 |
| 0-3 | 355.80 | 22.20 | 433.50 |
| 0-2 | 286.50 297.60 | 17.70 | 371.70 376.20 |
| 0-1 | 245.70 | 13.20 | 333.30 |
| W-4 | 402.90 | 25.20 | 467.40 |
| W-3 | 340.20 | 20.70 | 418.20 |
| W-2 | 306.00 | 15.90 | 390.90 |
| W-1 | 258.90 262.80 | 13.80 | 340.80 |
| E-9 | 324.90 | 18.60 | 442.80 |
| E-8 | 300.90 | 15.30 | 412.50 |
| E-7 | 256.80 | 12.00 | 383.70 |
| E-6 | 228.00 | 9.90 | 348.00 |
| E-5 | 210.90 | 8.70 | 309.30 |
| E-4 | 183.00 | 8.10 | 267.30 |
| E-3 | 177.60 | 7.80 | 245.70 |
| E-2 | 150.90 | 7.20 | 245.70 |
| E-1 | 137.40 | 6.90 | 245.70 |

NOTES:

1. Payment of the full rate of basic allowance for qtrs at these rates to members of the uniformed services without dependents is authorized by 37 U.S.C. 403 and Part IV of Executive Order 11157, as amended.
2. Payment of the partial rate of basic allowance for quarters at these rates to members of the uniformed services without dependents who, under 37 U.S.C. 403(b) or 403(c), are not entitled to the full rate of basic allowance for quarters, is authorized by 37 U.S.C. 1009(c) (2) and Part IV of Executive Order 11157, as amended.
3. Effective 1 Jan 1985, the rate of BAQ payable to a member of the Uniformed Services who was entitled to that allowance on 31 Dec 1984, shall not be less than the rate of BAQ that was in effect for that member on 31 Dec 1984 (unless the member holds a lower grade than he held on that date or has had a change in dependent status from a "with-dependent" status to a "without dependent" status or vice-a-versa). Saved pay rates are shown in parentheses by the affected BAQ rates.

# CHAPTER 3

# FAMILY SEPARATION ALLOWANCE (FSA)

## SECTION A—ENTITLEMENT PROVISIONS

### 30301. Types Authorized

FSA is payable only to members with dependents. Two types of FSA are authorized, Type I and Type II. Both types are payable in addition to any other allowance or per diem to which a member may be entitled. A member may qualify for FSA-Type I and FSA-Type II for the same period. In such cases, concurrent payment of both types is authorized. A member may not, however, receive more than one payment of FSA-II for the same period, even though qualified for FSA-R and FSA-S or FSA-T. The purpose of FSA and the conditions of entitlement are set out in this chapter.

### 30302. Definitions

a. **Dependents**. The term "dependents" is defined as:

(1) Primary. Spouse or children as defined in the Glossary of Terms.

(2) Secondary. Parents as defined in the Glossary of Terms.

NOTE: A person on active duty and entitled to basic pay is not a dependent for FSA purposes.

b. **Permanent Station**. The term "permanent station" has the same meaning as defined in the Glossary of Terms.

c. **Duty Station**. The term "duty station" is the same as defined in the Glossary of Terms.

d. **Overseas**. For the purpose of FSA-I this term applies to a location outside the contiguous 48 states, the District of Columbia and Hawaii.

e. **Household**. This term means the same as "home" or "family." It applies to a collection of persons living under one roof, having one head or manager who controls and supervises the affairs of the family. For FSA-II purposes this applies only to secondary dependents.

### 30303. FSA-Type I

The purpose of this FSA is to pay a member for added housing expenses caused by enforced separation from dependents. (It applies when two homes must be maintained, one for the dependents, and one for the member.) It is not payable to a member permanently assigned to a duty station in Hawaii or to any duty station under permissive orders.

a. **When Payable**. FSA-I is payable to each member with dependents who is on permanent duty outside the US or in Alaska who meets all of the following conditions:

(1) Transportation of dependents to the permanent duty station or to a place near that station is not authorized at Government expense.

(2) Dependents do not live at or near the permanent duty station; and

(3) Adequate Government quarters or housing facilities are not available for assignment to a member and inadequate Government quarters or housing facilities are not assigned.

b. **Amount Payable**. FSA-I is payable in a monthly amount equal to BAQ payable to a member without dependents in the same pay grade. (See BAQ pay tables in chapter 2, part three).

c. **Conditions**. For specific conditions of entitlement see section C and tables 3-3-1 and 3-3-2.

d. **Divorced or Legally Separated Members**. Treat FSA-I cases involving a divorced or legally separated member, or such a member with a child in the legal custody of a former spouse or another person, the same as FSA-II cases. See paragraph 30311b.

### 30304. FSA-Type II

This FSA provides compensation for added expenses incurred because of an enforced family separation under one of the conditions in a(1) through (3) below. It is payable to qualified members serving inside or outside the U.S. It is not authorized in time of war or national emergency declared by Congress or when a member performs duty at any station under permissive orders.

a. **When Payable**. Through 30 Sep 1980 FSA-II is payable to a member serving in pay grade E-4 (over 4 years' service) or above as a member with dependents. Effective 1 Oct 1980 FSA-II is payable to a member serving in any grade as a member with dependents. A member must meet all general requirements and one of the following conditions:

(1) Transportation of the dependents is not authorized at Government expense (see paragraph 30321) and the dependents do not live at or near the member's permanent duty station or home port (FSA-R).

(2) The member is on duty aboard a ship, away from the home port of the ship, continuously for more than 30 days (FSA-S).

(3) The member is on TDY (or temporary additional duty) away from the permanent station continuously for more than 30 days, and the dependents do not reside at or near the TDY station (FSA-T). This includes members who are required to perform a period of TDY before reporting to their initial station of assignment.

b. **Amount Payable**. FSA-II is payable in a monthly amount of $30.

c. **Conditions**. For specific conditions of entitlement, see tables 3-3-3 through 3-3-6.

## SECTION B—DEPENDENTS—SEPARATION REQUIREMENTS

### 30311. Dependents

A member is not considered "a member with dependents" for FSA-II entitlement when:

a. The sole dependent is placed in an institution for a known period of over 1 year or for an indefinite period which may be expected to exceed 1 year.

b. The sole dependent is a spouse legally separated or child (children) in the legal custody of another person.

c. The member's dependent parent does not reside in a home which the member controls, supervises and maintains for mutual use when circumstances permit.

### 30312. Temporary Social Visits by Dependents

a. **FSA-I and FSA-R**. Credit continues to accrue while the member's dependents visit at or near member's permanent station, but for no longer than 3 continuous months. Facts must clearly show that the dependents are merely visiting (not changing residence) and that the visit is temporary and not intended to exceed 3 months. If, for unforeseen reasons (due to illness or other emergency), a bona fide social visit extends beyond 3 months, stop credit for FSA at the end of the 3-month period. If the visit is initially intended to exceed 3 months, stop FSA credit the day before the dependents arrive at the member's permanent station. Credit is again authorized on and after the day dependents depart from the permanent station. However, a member is entitled to FSA-I and/or FSA-R even though one or more, but not all dependents visit for longer than 3 months, if the member is entitled on behalf of the dependents who do not visit.

b. **FSA-T**. Credit continues to accrue to a member whose dependents visit at or near the temporary duty station continuously for 30 days or less. Facts must show the dependents are merely visiting. If the visit exceeds 30 days, a member is not entitled to FSA-T for any part of the period, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of the allowance is limited to 30 days. Entitlement to FSA-T resumes on the day the dependents depart the temporary duty station, if the member's TDY extends for more than 30 days from that date. Entitlement to FSA-T exists if one or more, but not all, of the dependents visit for longer than 30 days, if entitled on behalf of the dependents who are not visiting the member.

**c. FSA-S.** Credit continues to accrue to the member whose dependents are visiting at or near the duty station (or any port) continuously for 30 days or less. Facts must show that the dependents are merely visiting. If the visit exceeds 30 days, entitlement to FSA-S ends on the day preceding the date of their arrival, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of FSA-S is limited to 30 days. Entitlement to FSA-S exists if one or more, but not all of the dependents visit for longer than 30 days, if entitled to FSA-S on behalf of the dependents who are not visiting the member.

### 30313. Dependents Reside Near Duty Station

FSA does not accrue to a member if all of the dependents reside at or near the duty station. If some, but not all, of the dependents voluntarily reside near the duty station, FSA may accrue on behalf of the dependents who do not reside at or near the duty station. Consider dependents as residing near a duty station if the member actually commutes daily, regardless of distance. Consider dependents as residing near a duty station if they live within a reasonable commuting distance of that station, whether or not the member commutes daily. A distance of 50 miles, one way, is normally considered to be within reasonable commuting distance of a station; however, the 50-mile rule is not inflexible. Unusual conditions may permit a determination that dependents do not live within a reasonable commuting distance, even though the distance involved is less than 50 miles one way. In a situation where the distance is less than 50 miles but the time required to commute one way by commonly used route and method of transportation would exceed 1-1/2 hours, the dependents shall be considered as not residing near the member's duty station unless the member actually commutes daily. If dependents are authorized concurrent travel with the member to the duty station and are subsequently authorized to reside at a point over 50 miles from member's duty station for personal reasons, rather than as a result of military restriction on dependents' travel, FSA entitlement does not accrue. In questionable cases, commanders may submit requests for determination through channels to the appropriate office listed below:

★**a. Army.** ACOA(F&A), Attn: DACA-FAP-PAF, Indianapolis IN 46249.

**b. Navy.** Chief of Naval Operations (OP-134).

**c. Marine Corps.** Commandant of the Marine Corps (Code FDD), Washington DC 20380.

★**d. Air Force.** USAF Manpower and Personnel Center, Randolph AFB TX 78150-6421.

## SECTION C—CONDITIONS OF ENTITLEMENT

### 30321. Entitlement Incident to PCS Reassignments

**a. General.** Entitlement to FSA upon PCS is authorized only when movement of a member's dependents to the new permanent duty station is not authorized at Government expense. Voluntary reassignments, however, for the convenience of the member under permissive orders do not qualify members for FSA, even though movement of dependents at Government expense is not authorized.

**b. Overseas Assignments.** A member selected for PCS overseas, to an area where dependents are permitted, must elect to serve the "all others" (unaccompanied), or with "command sponsored dependents" tour. This also applies to reassignment between overseas bases. AR

55-46, the Bureau of Naval Personnel Instructions in the 1300.26 series, the Marine Corps Order in the 1300.8 series, and AFR 75-25 prescribe procedures for selecting the "with dependents" or "all others" tour. If otherwise eligible members assigned PCS overseas are entitled to FSA-I or FSA-R or both under the circumstances shown in tables 3-3-1 and 3-3-4.

**c. Delays Caused by the Government (tables 3-3-1 and 3-3-4).** The following are examples of delays in transportation of dependents due to Government reasons:

**Example 1:** On 1 July, member's advance application for concurrent travel of dependents to his overseas station was disapproved by the CONUS commander due to lack of available Government-owned transportation facilities. The commander's disapproval contained the statement that the anticipated delay for movement of dependents is more than 60 days. Member departed old station on 6 July and arrived at the overseas station on 7 July where Government quarters were not available. Dependents joined member on 26 September having performed travel under orders dated 10 September. Member was entitled to FSA-I for period 7 July through 25 September, and FSA-II for period 6 July through 25 September.

**Example 2:** Member applied for dependency determination for a dependent mother on 3 June and was transferred overseas on 14 September. After arrival overseas, member received approval of the dependency application for a dependent mother retroactive to 1 May. The mother was not authorized concurrent travel to member's permanent station because a determination of dependency had not been made on the effective date of the orders. Delay in processing the dependency application was caused by the Government. Before transfer overseas, member had maintained quarters to be shared with the mother. An enforced separation resulted upon transfer overseas. Credit for FSA-II accrues from the date member departed from the permanent station or the first day of authorized travel time, whichever is later, through the day before the date the dependent mother arrived at the overseas station.

**d. Changes in Tour Elections.** See rules 3 and 8, table 3-3-1, and rules 12 and 13, table 3-3-4.

**e. Dependents Evacuated.** See rule 14, table 3-3-2 and rule 8, table 3-3-5. A member is entitled to otherwise proper credit of FSA-II when the dependents are evacuated from a danger area and they temporarily occupy Government quarters at a safe haven area under conditions outlined in paragraph 30222g.

**f. Dependents' Travel Prohibited Under Immigration Laws.** If a dependent is otherwise authorized transportation at Government expense but is not eligible under immigration laws for entry into US before a member reports to the new permanent station, entitlement to FSA does not accrue.

## 30322. Unit Ordered on Exercise for More Than 30 Days

Otherwise qualified members of a unit are entitled to FSA-T when the unit is ordered on an exercise for more than 30 days.

## 30323. FSA During a Missing Status

**a. Special FSA Entitlement.** A member, with dependents, who enters a missing status is entitled to a family separation allowance in the amount of $30.00 per month while in a missing status during the Vietnam conflict. These provisions apply only to members who do not qualify for FSA-II under paragraph 30304a, prior to entering a missing status. Entitlement begins on the date the member is reported in a missing status and continues for the period the member is carried in such status.

**b. FSA-T During a Missing Status.** FSA-T continues to accrue to a qualified member while in a missing status, unless there is a change in the status of the dependents which would terminate entitlement. (See table 3-3-6.) A member may qualify for FSA-T while in a missing status, if a continuous period of more than 30 days is completed after entry into the missing status (see paragraph 30324).

**Example:** Member departs permanent station on TDY 9 August; was downed by hostile fire while flying over enemy territory on 2 September; remained in a missing status until 4 November and returned to permanent station on 10 November. Member qualified for FSA-T on 8 September. If otherwise qualified, entitlement exists to FSA-T for period 9 August to 9 November.

## 30324. Computation of Periods of More Than 30 Days

**a. FSA-T.** Credit for FSA-T may not be made until the member has been on TDY continuously for more than 30 days. Compute this period as follows:

(1) Count actual number of days in the month, including the day the member departs the permanent duty station on TDY and the day of return to the permanent duty station. Include the 31st day of the month in this computation, even though payment is made on a 30-day month basis, as prescribed in section B, chapter 2, part one.

(2) Include days of authorized travel time to and from the TDY station. When there is no delay en route chargeable as leave, count the day of departure from the permanent station and the day of return to the permanent station. When delay en route chargeable as leave is authorized, count the constructive day of departure and the constructive day of return. Compute these days as follows:

(a) Constructive day of departure from the permanent station is the actual date of departure plus number of days' leave authorized and used.

(b) Constructive day of return to the permanent station is the actual date of return minus number of days' leave authorized and used.

**Example 1:** Member permanently stationed at A is ordered TDY to B for training of approximately 30 days; training is to begin 1 June. Member is authorized travel by POC as more advantageous to the Government, and 5 days' leave en route. Member departs from A 25 May and uses 5 days' leave en route to B. Member completes the training 27 June, departs from B 28 June, and returns to duty at A 30 June. Constructive day of departure is 30 May. Period of absence is 32 days (30 May-30 June). If member qualifies under paragraph 30304, entitlement exists to FSA-T for 30 days (pay does not accrue for 31 May and 30 June).

**Example 2:** Circumstances are the same as in example 1, except member uses 5 days of leave after completion of training. Departs from A 30 May, completes training 27 June, departs from B 28 June, and returns to duty at A 5 July. Constructive day of return is 30 June. Period of absence is 32 days, computed as in example 1. If member otherwise qualifies, entitlement exists to FSA-T for 30 days.

(3) When TDY is authorized in conjunction with PCS include days of authorized travel time to the TDY station and from the TDY station to the new duty station. When there is no delay en route and/or proceed time involved, count the day of departure from old duty station and the day of arrival at the new duty station. When delay en route and proceed time are authorized and used the day of departure from the old station and the day of arrival at the new station will be constructed in the manner indicated in (2)(a) and (b) above (minus proceed time authorized and used). Consecutive assignments to TDY in conjunction with PCS may be combined in determining the 30-day period.

(4) When travel in connection with TDY is performed by privately owned conveyance for the convenience of the traveler, only constructive travel time over a usually traveled route (by air or surface common carrier whichever more nearly meets the requirements of the orders and is more economical to the Government) will be allowed in computing the more than 30 days required for entitlement to payment of FSA-T.

(5) If member's TDY status is interrupted, do not combine days before the interruption with those after the interruption to compute a continuous period of more than 30 days. Periods of leave, hospitalization, military confinement in a pay status, or short visits to permanent station do not interrupt the period unless the member is relieved from the attachment to the TDY station. However, a member who returns to the permanent station to assume a duty status (such as participation in official flights) does interrupt a period of temporary duty. If leave en route is authorized after detachment from the TDY station, add constructive travel time from the TDY station to the permanent station to the period of TDY in determining the 30-day period.

**b. FSA-S.** Credit for FSA-S may not be made until the member has been on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days. Periods of leave, temporary additional duty, hospitalization, military confinement in a pay status, or short visits by the member (not the ship) to the home port of the ship do not interrupt the qualifying period unless the member is detached (PCS) from the ship. Consecutive assignments to duty on board two or more ships away from the home port may be combined to meet this requirement. See example 5 below. In computing the continuous period of more than 30 days, count the actual number of calendar days (including the 31st day of the month) the member was on duty on board a ship while it was away from its home port. Include in this computation the day of departure on board a ship from its home port (or the day the member joins or rejoins a ship away from its home port, if applicable) and the day of return on board a ship to its home port. The following examples show how to compute the more-than-30-day period and the related amount of FSA-S payable.

**Example 1:** A member on board ship departing its home port on 15 June and returning on 15 July is entitled to FSA-S in the amount of $30 (16 days in June and 15 days in July = 31 days for computation; 16 days in June and 14 days in July = 30 days for credit amount).

**Example 2:** A member on board ship departing its home port on 5 October and returning on 4 November is entitled to FSA-S in the amount of $29 (27 days in October and 4 days in November = 31 days for computation; 26 days in October and 3 days in November = 29 days for credit amount).

**Example 3:** A member on board ship departing from its home port on 25 February (non-leap year) and returning on 26 March is not entitled to FSA-S since the period of absence was not more than 30 days (4 days in February and 26 days in March = 30 days for computation).

**Example 4:** A member who reports on board a ship on 25 May while it is away from its home port and returns with the ship to its home port on 30 June is entitled to FSA-S in the amount of $35 (6 days in May and 29 days in June for credit amount).

**Example 5:** A membr on board ship A departing from its home port on 2 August was transferred (PCS) to ship B on 18 August (detached and attached the same day) at which time ship B was away from its home port. Remains aboard ship B until it returns to its home port on 6 September. Member is entitled to FSA-S in the amount of $34 (30 days for August and 6 days in September = 36 days for computation; 29 days in August and 5 days in September = 34 days for credit amount).

**c. Restrictions.** The following restrictions apply to a and b above.

(1) The 30-day requirements to qualify for FSA-T or FSA-S are separate, and periods of temporary duty and duty aboard ship while away from home port may not be combined for the purpose of FSA entitlement.

(2) Periods of hospitalization or temporary duty for more than 30 days by the member at a place residing with the dependents may not be included in arriving at the 30-day requirement.

## ★30325. Ship Moves From Home Port

When a ship moves from its home port to another port within 50 miles (or 1½ hours travel time as prescribed in paragraph 30313) of the home port, those members attached to the ship whose dependents do not reside at or near such home port under the criteria of paragraph 30313, do not become entitled to FSA-S.

**Example 1:** A member upon reassignment to a ship, moves the family to a location outside the current 50 mile (or 1½ hour travel time) limit from the home port of the ship. When the movement of the ship is less than 50 miles (or 1½ hours travel time) from the home port, FSA-S is not payable to those members. However, if the ship moves more than 50 miles (or 1½ hours travel time) from the home port FSA-S is payable if otherwise entitled.

**Example 2:** A member upon reassignment to a ship, moves the family to a location outside the current 50 mile/1½ hour limit of the home port of the ship. Subsequently, the ship moves from the home port and on the 29th day docks at a port inside the 50 mile (1½ hour travel time) limit of the home port for 5 days. The ship then returns to the home port. The docking of the ship within the 50 mile limit would, for purposes of this example, have the same consequence as if the ship had returned to its home port since the member's dependents do not reside at or near the home port and since the ship did not move to a location more than 50 miles (or 1½ hours travel time) from the port, that is, entitlement to FSA-S does not accrue.

**Example 3:** A member upon reassignment to a ship, moves the family to a location outside the current 50 mile/1½ hour limit of the home port of the ship, but actually commutes. A movement of the ship from the home port results in the member being unable to commute. In this example the member's dependents would be considered as being in the area of the home port. Therefore, since after movement of the ship to the new location the member is unable to commute, member would meet the requirement for FSA-S, if dependents resided more than 50 miles (or 1½ hours travel time) from the new location.

**Example 4:** A member upon reassignment to a ship, moves the family to a location within the 50 mile/1½ hour limit, the movement of the ship resulting in the residence being located outside the 50 mile/1½ hour limit for some of the members, but not all. Those members whose dependents reside more than 50 miles (1½ hours travel time) from the new location of the ship and do not commute, would fulfill the vicinity requirement for entitlement to FSA-S. Those members whose dependents reside within 50 miles (1½ hours travel time) of the new location of the ship would not become entitled to FSA-S, by virtue of the ship's movement.

## ★30326. Member Married to Member

In the case of member married to member, and they have a child that either parent can claim for BAQ, one parent may claim the child for BAQ purposes and the other parent, when otherwise entitled, may claim the child for FSA. FSA may alternate between parents based on the same dependent; however, FSA may not be paid simultaneously to both members on behalf of the same dependent.

## 30327. Specific Conditions of Entitlement

a. **FSA-I.** See tables 3-3-1 and 3-3-2.

b. **FSA-II.** See tables 3-3-3, 3-3-4, 3-3-5 and 3-3-6.

TABLE 3-3-1

FSA-I—CONDITIONS OF ENTITLEMENT

| RULE | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| | If member's overseas PCS assignment is to | and member elects to serve | and concurrent travel | and member changes election to | and member | then member's entitlement to FSA-I (note 1) |
| 1 | area where dependents are not permitted | | | | | exists for entire unaccompanied tour |
| 2 | an area where concurrent travel is automatically authorized, or to an advance application area | the "all others" tour before departure from CONUS | | | | exists for entire unaccompanied tour, including tour extensions |
| 3 | | | | "with command sponsored dependents" tour, and change is approved (note 2) | | continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the Government (note 3) |
| 4 | | the "with command sponsored dependents tour prior to departing CONUS" | is authorized and performed | | | does not exist |
| 5 | | | is authorized by area commander but not performed due to Government reasons (note 4) | | | exists through day before date dependents arrive at overseas station |

|  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|
| 6 |  |  | is not authorized by area commander |  | complies with all area regulations for entry of dependents | continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the Government (note 3) |

TABLE 3-3-1—Continued

| R U L E | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| | If member's overseas PCS assignment is to | and member elects to serve | and concurrent travel | and member changes his election to | and member | then member's entitlement to FSA-I (note 1) |
| 7 | an area where concurrent travel is automatically authorized, or to an advance application area | the "with command sponsored dependents" tour before departing CONUS | is not authorized by area commander | | fails to comply with area regulations for entry of dependents | stops at time member fails to take timely action according to area regulations |
| 8 | | | is not performed for any reason | the "all others" tour before dependents depart CONUS | | continues for entire unaccompanied tour, if otherwise eligible. If member is not drawing FSA-I, entitlement accrues on and after date reelection is officially approved |
| 9 | an area covered by rules 1, 2, 3, 5, 6, 7 and 8 | | | | has an only dependent on active duty | does not exist |

NOTES: 1. Entitlement in all cases exists only if Government quarters are not available for assignment to member, and his dependents do not reside at or near his duty station.

2. Change in tour election from "all others" to "with command-sponsored dependents" tour must be fully documented, and officially approved by the Headquarters of the service concerned. This also applies to elections (made after member arrives overseas) to serve the "with command-sponsored dependents" tour.

3. Delays due to Government reasons include:
   a. Lack of transportation facilities.
   b. Disapproval by CONUS commanders.
   c. Disapproval for reasons of health (pregnancy of wife, etc.)
   d. Insufficient service retainability or time remaining in the overseas tour.

4. FSA credit accrues only if dependents are prevented from traveling with member for reasons caused by the Government and the delay is more than 30 days. Period of more than 30 days begins date member departs from old station or first day of authorized travel time, whichever is later. It includes TDY en route and leave taken while attached to TDY station. It does not include leave en route.

**TABLE 3-3-2**

**FSA-I—CONDITIONS AFFECTING ENTITLEMENT**

| R U L E | A | B |
|---|---|---|
| | **When eligible member** | **FSA credit.** |
| 1 | arrives at permanent station (outside US or in Alaska) | starts on date of arrival. |
| 2 | departs upon reassignment from permanent station | continues through the date of departure. |
| 3 | no longer has eligible dependent | continues through the day before the date member no longer has an eligible dependent. |
| 4 | is assigned Government quarters | continues through the day before the day Government quarters become available for assignment. |
| 5 | enters non-pay status for any reason, except as provided in paragraph 10315 | continues through the day before the date member enters non-pay status. |
| 6 | is discharged and and immediately reenlists at the same station | continues through discharge and immediate reenlistment. |
| 7 | acquires dependent after arrival at permanent station and meets requirements for FSA-I | starts date dependent is acquired. |
| 8 | is on TDY away from permanent station, including TDY within the US | continues for 60 days or less without certificate from member (note 1). |
| 9 | is hospitalized at or away from permanent station, including hospitalization within the US | |
| 10 | is on authorized leave (accrued or advance) at, or away from, permanent station, including leave within the US | |
| 11 | is in military confinement or otherwise restricted by military authority | |
| 12 | continues in status covered by rules 8 through 11 for more than 60 days | continues (note 2). |
| 13 | travels under PCS orders to and from a permanent station outside CONUS or in Alaska | does not accrue while en route (see, rules 1 and 2 for start and stop dates). |
| 14 | returns dependents to CONUS under paragraphs 7101, 7102, 7105, JTR | starts on date of dependents' departure from member's duty station (note 3). |

NOTES:

1. Member must meet requirement of paragraph 30303.
2. Payment must be supported by member's certificate that member maintained private quarters a permanent station.
3. FSA-I does not accrue if evacuation under paragraph 7102, JTR, was caused by the dependents' misconduct. Entitlement to FSA does not accrue if dependents are returned for reasons indicated under paragraph 7103, JTR.

TABLE 3–3–3

FSA-II—CONDITIONS OF ENTITLEMENT

| RULE | A | B | C | D |
|---|---|---|---|---|
| | If member | and | and | then |
| 1 | is on TDY, including TDY within the US | member is entitled to FSA-R when entering such status (note 1) | member's permanent station remains unchanged | FSA-R credit continues during TDY. |
| 2 | is hospitalized at or away from member's permanent station, including hospitalization in the US | | | FSA-R credit continues during period hospitalized. |
| 3 | is in military confinement or otherwise restricted by military authority | | | FSA-R credit continues during period confined or restricted. |
| 4 | is on authorized leave (accrued or advance) at or away from member's permanent station, including leave in the US | | | FSA-R credit continues during leave. |
| 5 | is on authorized leave (accrued or advance) at member's residence where member's dependents reside | | member's leave is followed by over 30 days TDY within commuting distance of member's residence | FSA-R credit continues during leave but is suspended during period of TDY (paragraph 30313) (note 7). |
| 6 | is on any status covered by rules 1 through 4, or enters such status | | member's permanent station changes | FSA-R credit stops (note 2). |

**TABLE 3-3-3 Continued**

**FSA-II—CONDITIONS OF ENTITLEMENT**

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **If member** | **and** | **and** | **then** |
| 7 | is reassigned PCS from a permanent station in US to a hospital for observation or treatment | member's application for transportation of dependents to the hospital is disapproved by the hospital commander upon determination that prolonged treatment is not expected (note 3) | member meets requirements in note 1 | member is entitled to FSA-R. |
| 8 | enters any status covered by rules 2, 3, and 4 | member is entitled to FSA-T when entering such status | member is not relieved from attachment to the TDY station | member continues to receive FSA-T. |
| 9 | is ordered to a hospital as a patient in attached status | | | member is not entitled to FSA-T. |
| 10 | is on TDY for more than 30 days from member's permanent station | member does not qualify for FSA-R at permanent station | member's permanent station remains unchanged | member is entitled to FSA-T for authorized travel time to and from TDY station and for duty at that station (note 4). |
| ★11 | is performing travel or TDY en route to new or first permanent duty station on PCS or initial permanent duty assignment | is entitled to FSA-R at new permanent duty station (note 4) | | member is entitled to FSA-R for TDY and authorized travel period (note 4). |
| 12 | is on TDY for more than 30 days en route to a new permanent station | member does not qualify for FSA-R at this new station | | the member is entitled to FSA-T for authorized travel time to and from the TDY station and for duty at that station (note 4). |

TABLE 3-3-3 Continued

FSA-II—CONDITIONS OF ENTITLEMENT—Continued

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | If member | and | and | then |
| 13 | is on temporary additional duty | member is entitled to FSA-S when entering such status (note 1) | member remains assigned to duty aboard a ship which is away from its home port | FSA-S accrues during entire period of temporary additional duty (note 5). |
| 14 | is hospitalized away from the ship | | | FSA-S accrues during period of hospitalization (note 5). |
| 15 | is on authorized leave | | | FSA-S accrues during period of leave (note 5). |
| 16 | is in military confinement on or away from the ship or otherwise restricted by military authority from performing duty | | | FSA-S accrues during period member is confined or restricted. |
| 17 | is in any status covered by rules 13 through 16 | | the ship returns to home port | entitlement to FSA-S ends on day before ship returns to home port. |
| 18 | | | member is detached from ship while it is away from home port | entitlement to FSA-S ends on date of detachment from ship (note 6). |

**TABLE 3-3-3 Continued**

**FSA-II—CONDITIONS OF ENTITLEMENT—Continued**

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **If member** | **and** | **and** | **then** |
| 19 | | | member is detached from ship while it is away from home port and is later reassigned to ship while it is away from its home port | FSA-S accures from date of reassignment to ship provided ship does not return to home port in less than 31 days (note 6). |
| 20 | enters any status covered by rules 1 through 19 | | member's only dependent is on active duty | member is not entitled to any type of FSA. |

NOTES:

1. Must meet the requirements of paragraph 30304.

2. A new determination of entitlement is required if member's permanent station changes.

3. More than 90 days is prolonged hospitalization.

★4. Includes members in the recruit training/OCS pipeline. Members are not entitled to FSA-R or FSA-T during authorized leave en route or proceed time (see rules 1 and 2, table 3-3-5). See rule 9, table 3-3-6 for date to stop FSA-II.

5. If dependents's residence is within commuting distance of the place where member is in such status, FSA-S will continue for 30 days only.

6. Does not apply if member is detached and attached the same day to another ship away from its home port (paragraph 30324b).

7. FSA-R credit also would be suspended during 30 days or less TDY within commuting distance of member's residence.

TABLE 3-3-4

FSA-R OVERSEAS ASSIGNMENT

| RULE | A | B | C | D |
|---|---|---|---|---|
| | If eligible member is | and | and | then member('s) |
| ★1 | selected for PCS overseas | is sent to an area where dependents are not permitted | | **is entitled to FSA-R for entire unaccompanied tour (note 1)** |
| 2 | | elects the "all others" tour | | is entitled to FSA-R for entire unaccompanied tour, including tour extensions |
| 3 | | elects "with command sponsored dependents" tour | concurrent travel is authorized and dependents travel with member | is not entitled to FSA-R |
| 4 | | is assigned to an automatic concurrent travel area or an advance application area | application for concurrent travel has been approved by the area commander | is entitled to FSA-R if dependents do not travel with member for Government reasons (note 2) |
| 5 | in status covered by rule 4 | dependents arrive at member's overseas station | | FSA-R stops the day before date dependents arrive |
| 6 | reassigned to an advance application area | application for concurrent travel is disapproved | | is entitled to FSA-R until dependents arrive at overseas station, except under conditions in rules 7 & 8 |
| 7 | | | fails to comply with area regulations for entry of the dependents | FSA-R is stopped when timely action is not taken under applicable regulations (note 3) |
| 8 | | | there is a delay of more than 60 days in dependents' arrival (60-day period begins on date of orders) | entitlement to FSA-R continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the Government (note 4) |

|  |  |  |  |  |
|---|---|---|---|---|
| 9 | assigned overseas | transportation of dependents is authorized by oversea commander but delayed by lack of transportation or is disapproved by CONUS commander |  | is entitled to FSA-R through day before dependents arrive at duty station. |
| 10 |  | transportation of dependents is not authorized for reasons of health (for example, pregnancy, etc.) |  | FSA-R accrues through day before date dependents arrive at oversea station, |
| 11 |  | one or more of the dependents live at or near the overseas station | member qualifies for FSA-R for the dependents who are not authorized to travel to the overseas station | is entitled to FSA-R. |
| 12 |  | after arrival at overseas station, tour election is changed from "all others" tour to "with command sponsored dependents" tour | change is approved | entitlement to FSA-R continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the Government (note 4). |
| 13 |  | has previously elected the "with command sponsored dependents" tour, but concurrent travel is not performed | reelects the "all others" tour before dependents depart CONUS | is entitled to FSA-R on and after date reelection is approved. |
| 14 |  | has failed to make a tour election before arrival at new duty station | made the tour election after arrival at the overseas station | is entitled to FSA-R on and after date election is approved if member selects the "all others" tour (see note 5). |

NOTES:

1. In all cases, entitlement exists only if dependents do not live at or near the duty station (see para 30313). In areas where dependents are not permitted, member does not have to apply for transportation of dependents or to elect type of tour.

2. A member required to perform TDY en route would be separated from the family due to military requirements.

3. FSA-R continues if member acted timely to apply for transportation of the dependents and the application was disapproved because of the lack of service retainability or time remaining in the overseas tour.

4. Delays due to Government reasons include:
   a. Lack of transportation facilities.
   b. Disapproval by CONUS commanders.
   c. Disapproval for reasons of health (pregnancy of wife, etc.)
   d. Insufficient service retainability or time remaining in the overseas tour.

5. For "with command sponsored dependents" tour, entitlement exists only from date such tour was officially approved (see rule 12).

**★TABLE 3-3-5**

**FSA-II COMMENCEMENT DATES**

| RULE | A | B | C |
|---|---|---|---|
| | **When eligible member** | **and member** | **then FSA credit** |
| 1 | departs the permanent station on PCS (not authorized FSA-R at old station), or TDY, including TDY in conjunction with PCS (note 1) | is not authorized proceed time or leave en route | starts on date of detachment from old station, (note 1). |
| 2 | | is authorized proceed time or leave en route | starts on constructive date of detachment from old station (actual date of detachment plus days of authorized leave and/or proceed time) (note 1). |
| 3 | departs home port aboard ship, including a ship in an inactive status | remains in this status continuously for more than 30 days | starts on date of departure (note 2). |
| 4 | joins or rejoins a ship away from home port | remains on duty on board a ship away from its home port continuously for more than 30 days | starts on first day that member boards ship away from its home port (note 2). |

| | | | |
|---|---|---|---|
| 5 | acquires a dependent | is qualified for FSA-R | starts on date member acquires the dependent (note 5). |
| 6 | | is qualified for FSA-S | starts on date member acquires the dependent, and remains away from home port aboard ship for more than 30 days after that date. |
| 7 | | is qualified for FSA-T | starts on date member acquires the dependent, and remains on TDY for more than 30 days after that date. |
| 8 | has the dependents returned to the US under para 7101, 7102, or 7105, JTR | | starts on date of dependents' departure from duty station (note 3). |
| 9 | reports on board a ship after a change of home port has been declared | does not reside with the dependents at or near the current home port of the ship | starts on the date member reports on board ship (note 4). |

*NOTES:*

1. Do not pay FSA-T until member has been on TDY continuously for more than 30 days. In computing the amount payable, the 31st day of any month should be excluded from the computation and February should be treated as if it actually had 30 days. (See para 30324.)

2. Does not apply if ship is in a port (other than its home port) located within commuting distance of the residence of member's dependents continuously for more than 30 days. Also see para 30325.

3. FSA-II does not accrue if evacuation under para 7102, JTR, was caused by the dependent's misconduct. Entitlement to FSA does not accrue if dependents are returned for reasons indicated under para 7103, JTR.

4. FSA-R does not accrue if member was on board ship when the change in home port was declared, except under para 30321.

★5. Includes a member assigned to a permanent station in CONUS who acquires a dependent subsequent to reporting to such station when transportation of the dependent is not authorized at Government expense.

**TABLE 3-3-6**

**DATE TO STOP FSA-II**

| R U L E | A | B |
|---|---|---|
| | **If member** | **then FSA-II credit continues through** |
| 1 | has dependents who arrive at the duty station with intent to establish a residence | the day before dependents arrive (note 1). |
| 2 | on next reassignment, arrives at a station where member does not qualify for FSA-II | the day before date member arrives at new station (note 5). |
| 3 | returns from TDY (TAD) of more than 30 days | the day before date of member's return from TDY (TAD) (note 2) |
| 4 | is in a nonpay status for any period | the day before the date entering such status, except as provided in para 10315. |
| 5 | has sole dependent in an institution, and if the stay in the institution continues | the day before one year from the date member's sole dependent entered an institution (note 3). |
| 6 | is on board a ship away from its home port | the day before ship returns to home port or date of detachment from ship, whichever is earlier (note 4). |
| 7 | reports on board a ship after a change of home port has been declared | the effective date of the change of home port. |
| 8 | has only secondary dependents who reside with relatives or friends | day before date dependents move to home of relatives or friends |
| 9 | completes period of TDY of more than 30 days in conjunction with PCS | the day before the date the member arrives at the new station (note 2). |

NOTES:

1. See para 30312 for temporary social visits.
2. If delay en route and/or proceed time is authorized, use constructive date. See para 30324a.
3. Applies when stay in the institution is initially not expected to exceed 1 year.
4. FSA-S continues if member is detached and attached the same day to another ship away from its home port.
5. If a delay en route and/or proceed time is authorized and used then use a constructive date of arrival. Constructive date will be computed by deducting the number of days' leave and/or proceed time authorized and used from the actual date of arrival.

# CHAPTER 4

## STATION ALLOWANCES AND VARIABLE HOUSING ALLOWANCE

### 30401. Station Allowances and Variable Housing Allowance

See the JTR, volume I and service procedural instructions for entitlement provisions, payment procedures, and systems requirements for the following:

a. Temporary Lodging Allowance.

b. Housing Allowance. (Housing Allowance, Rent Plus, Interim Housing Allowance).

c. Cost of Living Allowance.

d. Variable Housing Allowance.

# CHAPTER 5

# CLOTHING MONETARY ALLOWANCES—ENLISTED MEMBERS

## SECTION A—GENERAL

### 30501. Clothing Allowance Entitlement

**a. Army and Marine Corps.** Enlisted members of these services on extended active duty are furnished the initial clothing allowance on an item, or issue-in-kind, basis. A cash allowance may be immediately provided in lieu of items not planned to be furnished in kind. A monthly cash maintenance allowance may be authorized for repair and replacement of clothing.

**b. Navy and Air Force.** Enlisted members of these services on extended active duty are credited with the amount of the initial clothing allowance against which the authorized clothing is furnished. Payment of those amounts prescribed in the initial allowance as cash allowances may be made immediately. A monthly cash maintenance allowance may also be authorized for repair and replacement of clothing.

### 30502. References

The following source directives contain detail on entitlements, policies, and procedures on the quantity and kind of clothing that must be provided, the cash allowance in lieu thereof, and the provisions for payment of clothing maintenance allowances:

**★a. Army**—AR 700-84. For rates payable, see USAFAC Bulletin FINCY-3, US Army Military Pay Table.

**★b. Navy**—MILPERSMAN, BUPERSINST 5400.52 series and 1020.11 series.

**c. Marine Corps**—Individual Clothing Regulations (MCO P10120.28).

**d. Air Force**—Chapter 2, part three, volume I, AFM 67-1; AFRs 67-57 and 39-44.

## SECTION B—INITIAL AND CONTINUING CLOTHING MONETARY ALLOWANCES

### 30511. Initial Clothing Monetary Allowance (Navy and Air Force)

a. Enlisted members are entitled to an initial clothing monetary allowance under the following conditions:

(1) Upon first enlistment or induction in the service, or upon reenlistment in the same branch of the regular service after 3 months from date of last discharge or release from active duty.

(2) Upon enlistment in the Navy or the Air Force following last discharge from another service.

(3) Enlisted members of the reserve components (except chief petty officers), upon first reporting for or upon recall to active duty, for more than 6 months, after 3 months from date of last discharge or release from active duty.

(a) Navy members are not entitled to the initial clothing monetary allowance if they have been issued clothing in kind while on inactive duty.

(b) Air Force members will return to active duty with the clothing required for service in the reserve forces.

(4) Upon restoration of a prisoner to duty after being sentenced to confinement and punitive discharge, to the extent necessary to fill clothing allowances.

(5) Upon reenlistment within 3 months after last discharge or release from active duty if the complete initial allowance was not received or the turn-in of clothing was required. Reduce the amount of the initial allowance authorized in these cases by the monetary value of the clothing the member retained upon date of last discharge or release from active duty. This initial allowance will not be considered as the last authorization to an initial allowance when determining entitlement to a cash clothing maintenance allowance.

(6) Retired enlisted members (including members of the Fleet Reserve) upon recall to active duty after 3 months from date of last release from active duty or date of retirement. Only one such allowance shall be authorized during any period of 4 consecutive years.

(7) Commissioned officers or warrant officers serving on active duty under temporary appointments who revert to active duty in an enlisted status for other than immediate retirement. Only one such

allowance will be authorized during any 4 consecutive years. This provision does not apply to commissioned or warrant officers reverting to chief petty officer status.

(8) Upon reenlistment in the regular service after the expiration of 3 months from the date of transfer to the temporary disability retired list and release to inactive duty, if appointment to temporary officer status is not coincident with such reenlistment.

(9) Chief petty officers of the Naval Reserve who are discharged and enlisted or reenlisted in the regular Navy in Pay grade E-6 or below.

(10) Naval aviation cadets and officer candidates upon reverting to enlisted status to serve for more than 6 months provided they have not previously received an initial clothing monetary allowance under any of the above provisions during their current period of continuous active duty.

b. For rates payable for initial clothing monetary allowances for Army, Marine Corps, and Air Force, see service directives listed in subparagraphs 30502a, c, and d. For Navy rates, see table 3-5-1.

### 30512. Partial Initial Clothing Monetary Allowance (Navy Only)

a. A partial initial clothing monetary allowance is payable to enlisted members of the Naval Reserves in pay grades E-6 or below when:

★ (1) First reporting for or upon recall to extended active duty of more than 6 months except members who have previously received as an issue-in-kind, clothing items listed in both tables A and E for male members or C and D for female members, promulgated in the current BUPERSINST 5400.42 series.

(2) Discharged while on inactive duty for immediate reenlistment in the regular Navy, upon the date that they enlist and report for active duty in the regular Navy.

b. A partial initial clothing monetary allowance is not payable to enlisted members of the Naval Reserve in pay grades E-6 and below:

(1) Who have drawn the partial initial clothing monetary allowance during the current period of continuous active or inactive service.

(2) Who are discharged while on inactive duty to immediately reenlist in the regular Navy if they have previously drawn the partial initial clothing monetary allowance during their current period of continuous active or inactive service.

c. Rates payable are provided in table 3-5-1.

### 30513. Reduced or Adjusted Initial Clothing Monetary Allowance (Navy and Air Force Only)

a. Compute this allowance by deducting the current value of items authorized to be retained by the member upon last discharge, from the current initial clothing monetary allowance. Enlisted members are entitled to a reduced or adjusted initial clothing monetary allowance when:

(1) They did not receive the complete initial clothing monetary allowance during their last enlistment in a regular or reserve component of the services concerned.

(2) They enlist or reenlist in a regular component within 3 months from date of discharge or release from active duty from a regular or reserve component of the same service (includes Coast Guard for Navy), if they were required to turn in a portion or all of their uniforms upon discharge or release from active duty.

b. A reduced or adjusted initial clothing monetary allowance is not considered as the "last authorization to an initial allowance" when determining entitlement to a cash clothing maintenance allowance.

### 30514. Clothing Allowance, Special Initial (Navy Only)

a. This allowance is prescribed for enlisted members who are required to wear individual clothing of a type not customarily required for the majority of enlisted members of the Navy. The clothing allowance, special initial, is in lieu of the initial or partial initial clothing monetary allowance.

b. The rates and conditions under which clothing allowances, special initial, are payable are contained in tables 3-5-1 and 3-5-2.

### 30515. Initial Cash Allowance for Female Enlisted Members

Female enlisted members of all services are authorized a cash allowance for the purchase of underclothing and personal items, in addition to initial clothing allowances. The rate of this cash allowance is determined annually. For rates payable for this allowance; Army, Marine Corps, and Air Force, see service directives listed in subparagraphs 30502a, c, and d. For Navy rates, see table 3-5-1.

### 30516. Civilian Clothing Monetary Allowances

★**a. Special Initial Allowance.** Enlisted personnel who are required by competent authority to wear civilian clothing in the performance of official duty may be authorized an initial allowance for civilian clothing. A subsequent initial allowance is authorized for a member who is reassigned to duty requiring the wearing of civilian clothing after a break of 3 years or more in assignments.

★**b. Special Continuing Allowance (Effective 1 Dec 1971).** An enlisted member may be authorized a special continuing civilian clothing allowance in an assignment requiring the wearing of civilian clothing. A member who serves continuously in such an assignment may be authorized the continuing civilian clothing allowance on or after each 3-year anniversary date of the date member was entitled to an initial allowance. A member who is reassigned to duty requiring the wearing of civilian clothing after a break of less than 3 years may be authorized the continuing allowance on the date of reassignment or on or after each 3-year anniversary date of the date member was entitled to an initial allowance, whichever occurs later. A continuing allowance will be authorized only if it can be anticipated that the member will continue to serve in an assignment that requires the wearing of civilian clothing for at least 1 year. The amount of the special continuing civilian clothing allowance may not be more than one-half the initial civilian clothing allowance specified in table 3-5-3.

**c. Maintenance Allowance.** A member is entitled to an appropriate cash clothing maintenance allowance as prescribed in table 3-5-5 during periods assigned to duty requiring the wearing of civilian clothing.

**d. Temporary Duty Allowance.** Enlisted members are authorized a temporary duty civilian clothing monetary allowance when they are assigned to a temporary duty tour (as specified by the service directives listed in paragraph 30502) where civilian clothing is required. The allowance is payable subject to the break of 3 years or more in assignments as specified in subparagraph 30516a.

**e. Rates Payable.** The rates payable for initial civilian clothing monetary allowances may not exceed those in table 3-5-3. The amount of the special continuing civilian clothing allowance may not be more than half the initial civilian clothing allowance specified in table 3-5-3. These are the maximum rates authorized. The service directives prescribe the amounts payable for each service.

### 30517. Settlement of Initial Clothing Monetary Allowances

See table 3-5-4.

## SECTION C—CLOTHING MAINTENANCE ALLOWANCES

### 30521. Basic Maintenance Allowance

This allowance provides for replacement of uniquely military items which would normally require replacement during the first 3 years of active duty. See table 3-5-5.

### 30522. Standard Maintenance Allowance

This allowance provides for continued replacement of uniquely military items which would normally require replacement after completion of 3 years of active duty. See table 3-5-5.

### 30523. Clothing Maintenance Allowance, Special (Navy Only)

This allowance accrues to each enlisted member, male or female, entitled to a clothing allowance, special initial. The conditions under which this maintenance allowance is payable are contained in table 3-5-5.

### 30524. Payment Restrictions—Clothing Maintenance Allowance.

See table 3-5-5.

### 30525. Rates Payable

Cash clothing maintenance allowances are payable at the monthly rates specified in table 3-5-6.

## SECTION D—EXTRA CLOTHING ALLOWANCES

### 30531. Entitlement

Enlisted members may be authorized special or supplemental clothing allowances, in cash or "issue-in-kind," when assigned to duty requiring additional quantities or special items of individual uniform clothing not normally required for enlisted members in the same service. No maintenance allowance is prescribed for this clothing monetary allowance.

### 30532. References

For rates and conditions under which allowances are payable for Army, Marine Corps and Air Force, see service directives listed in paragraphs 30502a, c, and d. For Navy, see table 3-5-7.

## SECTION E—MISCELLANEOUS CLOTHING PROVISIONS

### 30541. Clothing Lost or Damaged

An enlisted member will be paid for items of individual clothing damaged, lost, destroyed, abandoned, captured, or otherwise rendered unserviceable, incident to service, not by reason of normal wear and tear, if the loss was not caused in whole or in part by any fault or negligence of the member. Compensate in accordance with the regulations of the service concerned.

### 30542. Clothing Price Adjustments (Navy and Air Force)

Adjust pay records of enlisted members, who were entitled to an initial or partial initial clothing monetary allowance on entering the service on or before 30 September to reflect the difference between old and new fiscal year prices of those clothing items they have not drawn prior to 1 October.

### ★ TABLE 3-5-1

### SPECIAL INITIAL AND INITIAL CLOTHING MONETARY ALLOWANCE—1 Oct 1984 (Navy only)

| RULE | A | B |
|---|---|---|
| | Members of the Navy are authorized | in the amount of |
| 1 | an initial clothing monetary allowance for enlisted men (note 3) | $509.15 |
| 2 | an initial clothing monetary allowance for enlisted women (notes 1 and 2) | 649.07 |
| 3 | a partial initial clothing monetary allowance for enlisted members of Naval Reserves: | |
| | a. Male: | 95.32 |
| | b. Female: | 205.50 |
| 4 | a special initial clothing monetary allowance for Naval officer candidates; to include officer candidates attending aviation officer's candidate school, Pensacola, and officer's candidate school, Newport<br>and limited duty officer (LDO) aviation candidates. | |
| | a. Male: | 482.55 |
| | b. Female: | 616.53 |
| 5 | a special initial clothing monetary allowance for Naval Corpsmen serving with Fleet Marine Force and Fleet Marine Force-Type Units: | |
| | a. Dental Technicians (DT) and Hospital Corpsmen (HM) | 504.50 |
| | b. Inspector-Instructor Staff (IIS) | 428.09 |

NOTES:

1. Members receiving special initial clothing monetary allowance under table 3-5-2 do not receive this allowance.
2. This amount includes the $122.35 cash allowance authorized female member for the purchase of lingerie or shoes, as appropriate.
3. This amount includes the $10.49 cash allowance authorized male members for the purchase of deck shoes.

**★TABLE 3-5-2**

**ENTITLEMENT TO CLOTHING ALLOWANCE, SPECIAL INITIAL (CASI)—1 Oct 1984(Navy Only)**

| | A | B | C | D | | | |
|---|---|---|---|---|---|---|---|
| R U L E | **When a Chief Petty Officer (CPO)** | **and** | **and** | **then a clothing allowance, special initial (CASI) is authorized in the amount of** | | | |
| | | | | **Male** 592.09 | **Female** 705.25 | **Male** 296.05 | **Female** 352.63 |
| 1 | first enlists in that rating | | | X | X | | |
| 2 | reenlists in that rating | more than 3 months have elapsed from date of last discharge or release from active duty | | X | X | | |
| 3 | is first advanced to that rating while on active duty (note 1) | had not previously received this allowance as a member of the US Navy or Naval Academy band (note 2) | | X | X | | |
| 4 | reenlists in that rating | more than 3 months have elapsed from the date of transfer to the temporary disability retired list and released to inactive duty | appointment to temporary officer status is not coincident with reenlistment | X | X | | |

★TABLE 3-5-2—Continued

| | A | B | C | D | | | |
|---|---|---|---|---|---|---|---|
| RULE | When a Chief Petty Officer (CPO) | and | and | then a clothing allowance, special initial (CASI) is authorized in the amount of | | | |
| | | | | Male $592.09 | Female $705.25 | Male $296.05 | Female $352.63 |
| 5 | of the Naval Reserve first reports for active duty or active duty for training | the period of duty is more than 6 months | such member has not drawn the CASI upon first enlistment in the rating of CPO | X | X | | |
| 6 | | | is assigned or associated with a selected Reserve unit in a pay or nonpay status and who has drawn a CASI while on inactive duty | | | X | X |
| 7 | | | is assigned or associated with a selected Reserve unit in a pay or nonpay status and who has not drawn a CASI while on inactive duty | X | X | | |
| 8 | of the Naval Reserve is ordered to active duty or active duty for training for a period of more than 6 months. | the first day of active duty is more than 3 months after the date of discharge or release from a period of active duty more than 6 months | is assigned to or associated with a selected Reserve unit in a pay or nonpay status and who has drawn a CASI while on inactive duty | | | X | X |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 9 | of the Naval Reserve is ordered to active duty or active duty for training for a period of more than 6 months | the first day of active duty is more than 3 months after the date of discharge or release from a period of active duty of more than 6 months | is assigned to or associated with a selected Reserve unit in a pay or nonpay status and who has not drawn a CASI while on inactive duty | X | X | | |
| 10 | | | is assigned to or associated with a selected Reserve unit in a pay or nonpay status and who previously has drawn the CASI for a CPO outfit | X<br>(note 3) | X | | |
| 11 | of the Fleet Reserve or retired list of the Navy or Naval Reserve first reports for a period of active duty or active duty for training of more than 6 months (note 3) | | | X | X | | |

NOTES:

1. This applies to enlisted members of the Regular or Reserve components and members of the Fleet Reserve or retired list.

2. Members of the US Navy Band or Naval Academy Band, in pay grade E-6 and below, are authorized this allowance upon assignment to the band. The restriction in paragraph 30514a is not applicable.

3. CASI is authorized only once during any period of 4 consecutive years.

★TABLE 3-5-3

INITIAL CIVILIAN CLOTHING MONETARY ALLOWANCES—
RATES PAYABLE—1 OCT 1984

| R<br>U<br>L<br>E | A<br>**When an enlisted member is required to have** | B<br>**then the maximum amount payable is (notes 1 and 2)** |
|---|---|---|
| 1 | both winter and summer clothing | $837.00 |
| 2 | either winter or summer clothing | $541.00 |
| 3 | civilian clothing TDY in excess of 15 days | $309.00 |

NOTES:

1. If the maximum allowance has not been authorized previously (including any difference between the maximum amount and amount paid) an enlisted member is entitled to the balance when clothing proves inappropriate or insufficient for the new duty.
2. The percentage of the maximum amount payable to Navy members is prescribed in MILPERSMAN 2640260.

TABLE 3-5-4

### SETTLEMENT OF INITIAL MONETARY CASH CLOTHING ALLOWANCES

| R U L E | A | B | | | | C | D |
|---|---|---|---|---|---|---|---|
| | When member is entitled to | and is a member of the | | | | and has | then |
| | | Army | Navy | Marine Corps | Air Force | | |
| 1 | initial clothing allowance, partial initial clothing allowance, or reduced initial clothing allowance | | X | | | completed 6 months of active duty (note 1) | settle balance of allowance due |
| 2 | | | X | | X | drawn clothing equalling or exceeding the allowance | settle account, collect amount due from member, if appropriate |
| 3 | | | | | X | completed 30 days of active duty (note 1) | settle balances of allowance due |
| 4 | | | X | | | completed recruit or NAV-OCS training, if applicable | settle balance of allowance due |
| 5 | | | | | X | reenlisted in the same branch of the Regular Service subsequent to expiration of 3 months from date of last discharge or release from active duty | settle allowances immediately by cash payment to member |
| 6 | special initial clothing allowance | | X | | | | pay amounts due on the date status for which special initial clothing allowance authorization is awarded |
| 7 | initial cash allowance (for female enlisted members) (note 2) | X | X | X | X | established entitlement to initial clothing allowance | pay amount authorized for personal items of clothing |

TABLE 3-5-4—Continued

| R U L E | A | B | | | | C | D |
|---|---|---|---|---|---|---|---|
| | When member is entitled to | and is a member of the | | | | and has | then |
| | | Army | Navy | Marine Corps | Air Force | | |
| 8 | initial or TDY civilian clothing allowance | X | X | X | X | been assigned permanent or temporary duty requiring the wearing of civilian clothes | Army: members will obtain clothing as prescribed in AR 700-84;<br>Air Force: members will obtain clothing as prescribed in AFR 39-44;<br>Navy and Marine Corps: pay member amount authorized for purchase of clothing. |

NOTES:

1. On discharge, release from active duty, or death, before completion of 6 months' active duty (Navy), or 30 days (Air Force), reduce the monetary clothing allowance to amount of clothing already supplied.

2. This monetary allowance is in addition to clothing allowance provided in rules 1 through 5.

**TABLE 3-5-5**

**ENTITLEMENT TO CLOTHING MAINTENANCE ALLOWANCES**

| R U L E | A | B | C |
|---|---|---|---|
| | **When a member** | **and is not** | **then the member is entitled to a monthly** |
| 1 | completes 6 months of active duty after last entitlement to an initial, or partial initial clothing allowance (notes 1 and 2) | receiving any other clothing allowance: or missing, missing-in-action, captured, or detained in a foreign country; or forfeiting total pay; or in confinement under approved sentence providing a punitive discharge (note 5); or assigned to a command where clothing is replaced by an inkind issue; or undergoing training in the Marine Corps leading to a commission and requiring clothing not required for other members of the Corps; or terminated from the status for which the special initial clothing monetary allowance was awarded | basic clothing maintenance allowance, commencing on the day following the date of completion of 6 months' active duty. |
| 2 | completes 6 months of active duty as a Naval aviation cadet or Naval aviation officer candidate (notes 1 and 3) | | |
| 3 | is required to wear a uniform not customarily worn by the majority of Naval enlisted members | | standard clothing maintenance allowance commencing on the date the special initial clothing allowance is awarded and continuing for the first 36 months of such duty. |
| 4 | receives a reduced or adjusted initial clothing allowance | | basic, or standard maintenance allowance, commencing on the first day of active duty in a pay status (note 4). |
| 5 | completes 36 months of active duty after last entitlement to an initial, partial initial, or special initial, clothing allowance (notes 1 and 2) | | standard or special clothing maintenance allowance, commencing on the day following date of completion of 36 months' active duty. |

NOTES:
1. The time period is computed without regard to lost time.
2. Partial initial and special initial clothing monetary allowances apply to Navy only.
3. The basic maintenance allowance continues during the member's entire service as an aviation cadet or aviation officer candidate.
4. The maintenance allowance to be paid these members, depends on the period that has elapsed since the member's last entitlement to an initial monetary clothing allowance (i.e., before completion of 36 months' active duty—basic, after completion of 36 months' active duty—standard).
5. The term 'approved sentence' will mean the date the sentence was approved by the convening authority.

★ TABLE 3-5-6

## CLOTHING MAINTENANCE ALLOWANCES—RATES PAYABLE—1 OCT 1984

| R U L E | A | B | | | | C |
|---|---|---|---|---|---|---|
| | When a member of the | is entitled to clothing maintenance allowance then the rate payable is | | | | or is entitled to other special allowance |
| | | Male | | Female | | |
| | | Basic | Standard | Basic | Standard | Special (Men and Women) |
| 1 | Army | $6.90 | $ 9.90 | $8.40 | $12.00 | |
| 2 | Navy | $7.20 | $10.50<br>(note 2) | $8.70 | $12.30<br>(note 2) | Male: $21.00<br>Female: $24.90 |
| 3 | Marine Corps | $9.30 | $13.20 | $9.30 | $13.20 | |
| 4 | Air Force | $5.40 | $ 7.80 | $6.90 | $ 9.90 | |

NOTES:

1. Naval aviation cadets and aviation officer candidates are entitled to this basic maintenance allowance (Special Initial, CMAB).

2. Upon advancement to E-7 member continues to receive the standard maintenance allowance of an E-6 until eligible for the special maintenance allowance in accordance with table 3-5-5, rule 5.

TABLE 3-5-7

ENTITLEMENT TO SPECIAL OR SUPPLEMENTARY CLOTHING MONETARY ALLOWANCES (CAX)– (NAVY ONLY)

| R U L E | A | B | |
|---|---|---|---|
| | **When a member is assigned to** | **then the CAX is authorized in the amount of (note 1)** | |
| 1 | a normal tour of shore duty in a BUPERS-controlled recruiting billet or a recruiting support billet (notes 2, 5, 6, and 7) | E-7 and above (male)<br>E-7 and above (female)<br>E-1 through E-6 (female)<br>E-1 through E-6 (male) entering active duty prior to 1 May 1980<br>E-1 through E-6 (male) entering active duty on or after 1 May 1980 (note 9) | $138.30<br>116.50<br>92.30<br>174.80<br>109.40 |
| 2 | US Navy Ceremonial Guard | All grades | 132.00 |
| 3 | Ceremonial Guard Unit, Naval Air Facility, Washington | CPOs<br>E-6 and below | 80.00<br>40.00 |
| 4 | duty in the executive part of the Department of the Navy located at the seat of Government (field activities excluded) | E-6 and below | 9.95 |
| 5 | duty in the Office of the Secretary of Defense including the Office of the Joint Chiefs of Staff | | |
| 6 | duty as a recruit company commander at naval training centers or naval air reserve training unit (Memphis) and meets eligibility requirements (note 3) | E-5 and E-6 (male)<br>All other grades (male and female) | 198.50<br>138.50 |
| 7 | duty as a recruit drill instructor at naval training centers and meets eligibility requirements (note 3) | | |
| 8 | duty with Naval Administrative Unit, Washington DC | E-6 and below (except stewards) (effective 1 July 1974) | 82.94 |
| 9 | CNO Retention Team | CPOs | 122.00 |

|  |  |  |  |
|---|---|---|---|
| 10 | Armed Forces Police or Permanent Shore Patrol upon completion of 6 months continuous duty with these detachments (note 4) | All grades | 33.00 |
| 11 | duty as a member assigned to (1) Transient Monitoring Unit, Enlisted Personnel Management Center, New Orleans; (2) Personnel and Administrative Assistance Team, Atlantic; or (3) Personnel and Administrative Assistance Team, Pacific | All grades | 122.00 |
| 12 | duty as Master Chief Petty Officer of the Navy or Master Chief Petty Officer of the Fleet or Force | MCPON and MCPOFs | 110.00 |
| 13 | active duty and requires the wearing of a maternity uniform (note 8) | Enlisted women | 77.75 |
| 14 | duty as a musician with a fleet/area band | E-7 and above (male)<br>E-7 and above (female)<br>E-6 and below (female)<br>E-6 and below (male) | 138.30<br>116.50<br>120.22<br>174.51<br>(note 10) |

NOTES:

1. The CAX for enlisted members assigned to any of the duties, rules 1 through 11, is payable only once during an assignment to such duty. The allowance is not payable upon reassignment to the same type of duty during a period of continuous active duty, unless 3 years or more have elapsed between such assignment.

2. A normal tour of recruiting or recruiting support duty includes active duty assignment for such duty to:

★a. Navy recruiting areas, Navy recruiting districts, Navy recruiting"A" stations,Navy recruiting stations, Military Entrance Processing Stations, or to Naval Reserve Activities.

b. Naval Aviation Cadet procurement teams on duty at Naval Air Reserve Activities.

3. Eligibility requirements are:

a. Have successfully completed Recruit Company Commander's or Recruit Drill Instructor's school.

b. Can be expected to perform recruit company commander or drill instructor duty at their present station for at least 1 additional year.

4. Effective date is 14 Jan 1969. Members serving with these detachments on that date and who have already completed the required 6 months are also entitled.

5. Pay 50 percent of CAX to reservist recalled to active duty as recruiter or recruiting support personnel for 1 year or more after serving on active duty as a recruiter for 1 year. Count shorter periods that accumulate to 12 consecutive months if breaks between active duty periods are no more than 7 days during preceding 12 months. Pay remaining 50 percent after completion of 18 months active duty provided that any breaks between active service periods are no more than 7 days during preceding 6-month period. Service prior to 14 July 1973 cannot be used in computing time served to establish eligibility for payment of full or partial CAX.

6. This allowance is payable to recruiters after reporting to the Enlisted Navy Recruiter Orientation Course at Orlando FL or San Diego CA, or upon completion of the Veteran Recruiter Orientation (VETRO) course at New Orleans LA and 3 weeks on-the-job training (OJT); such OJT may be either prior to or after completion of VETRO.

7. This allowance is payable to recruiting support personnel upon receipt of orders to such duty.

8. Payment of the maternity uniform allowance is neither a one-time entitlement nor payable for each pregnancy. Subsequent payments of the allowance shall be authorized every 3 years, based on the date the member received the first maternity uniform allowance, and wearing of such uniform is required.

9. These amounts are payable to recruiters who enrolled in the Enlisted Navy Recruiter Orientation Course or Veteran Recruiter Orientation on and after 1 Jul 1981. Personnel ordered to a recruiting support billet prior to 1 Jul 1981 but who have not reported to their permanent duty station until 1 Jul 1981 or later are also entitled to these amounts.

★ 10. This allowance is payable to musicians upon initial assignment to such band.

# CHAPTER 6

# OFFICERS' UNIFORM AND EQUIPMENT ALLOWANCES

## 30601. Entitlement

Effective 15 Sep 1981, officers are entitled to an initial uniform allowance upon call to active duty or active duty for training as prescribed by this chapter.

## 30602. Initial Uniform Allowance

The officers referred to in paragraph 30601 are entitled to an initial uniform allowance under the conditions shown below:

**a. When Payable.** Except as provided in subparagraph (5), below, the initial uniform allowance is payable only once to an officer:

(1) Upon first reporting for active duty (other than for training) for a period of more than 90 days.

(2) Upon completing at least 14 days active duty or training as a member of a Reserve component.

(3) When an officer commissioned in a regular component after 12 Oct 1964 upon ROTC graduation, enters on duty as a regular officer (the member is considered then to have entered on active duty for more than 90 days).

(4) Upon reporting for the first period of active duty required of a member of the Armed Forces Health Professions Scholarship Program; or

(5) Upon transfer to another Reserve component that requires a different uniform, a Reserve officer may receive another initial uniform allowance. Regular officers may not receive this allowance when transferring to another service.

**b. Amounts Payable.**

(1) Army—All officer personnel commissioned or appointed in the regular or Reserve components are authorized $200 regardless of source of commission or previous enlisted status.

(2) Navy—All officers commissioned or appointed in the regular and Reserve components are authorized $200, regardless of the source of commission or previous enlisted status, with the exception of those officers commissioned upon completion of Aviation Officer Candidate School (AOCS) and those Limited Duty Officer Aviator Candidates commissioned upon completion of all flight training, who are entitled to an initial uniform allowance of $100.

(3) Marine Corps—All personnel commissioned or appointed as officers in the regular or Reserve components are authorized $200, regardless of source of commission or previous enlisted status.

★(4) Air Force—Effective 1 Jan 1985, all personnel commissioned or appointed as officers in the regular or Reserve components are authorized $200, regardless of source of commission or previous enlisted status.

**c. Restrictions.**

(1) If a member has received an initial uniform allowance in any amount as an officer under conditions other than those listed in subparagraphs a(1), (2), (3), or (4) above, the member cannot again be entitled to the initial uniform allowance.

(2) Only periods of duty which require wearing of the uniform are counted for entitlement to the initial uniform allowance.

(3) An officer must be determined physically qualified for active duty before entitlement to an initial uniform allowance accrues.

## 30603. Additional Active Duty Uniform Allowance

Officers of Reserve components, officers of the Army or Air Force of the United States without components, and ROTC graduates appointed in the regular components after 12 Oct 1964 are entitled to an additional active duty uniform allowance of $100 as provided in this paragraph. This allowance is to pay for additional uniforms required while they are on active duty or active duty for training.

**a. When Payable:**

(1) This allowance is payable each time of entry or reentry on active duty, or active duty for training (including authorized travel time) for more than 90 days. The period served may be under orders specifying active duty for more than 90 days, or under two or more orders requiring a continuous period of

more than 90 days' active duty.

(2) An officer commissioned in a regular component after 12 Oct 1964 upon ROTC graduation accrues entitlement to the allowance on commencement of duty as a regular officer. (The officer is considered then to have entered on active duty for more than 90 days.)

**b. Restrictions:**

(1) This allowance is not payable if the officer has received an initial uniform allowance of more than $200 during the current tour of active duty, or within a period of 2 years before entering on that tour.

(2) This allowance is not payable when the tour of duty for which payment is being considered began within 2 years after the end of a previous period of active duty, or active duty for training, of more than 90 days. This applies whether or not a uniform allowance was paid for the previous tour of duty. It applies only if the prior service was performed as a reserve officer, as an officer of the Army or Air Force of the United States without component, or as a regular officer commissioned upon ROTC graduation after 12 Oct 1964.

(3) An officer of a reserve component or of the Army or Air Force of the United States without component is not due this allowance solely because of appointment therein or transfer thereto.

(4) A reserve officer ordered to an indefinite tour of active duty, or active duty for training, is not entitled to this allowance until the member completes more than 90 days of that tour.

(5) Only periods of duty requiring the wearing of the uniform are counted for entitlement to the $100 allowance prescribed in this paragraph.

(6) To be entitled under this paragraph, an officer must be determined physically qualified for active duty.

**c. Computation of 2-Year Period.** Compute the 2-year period during which no active duty or active duty for training was performed as follows:

(1) When an officer is ordered to active duty, or active duty for training, for a period of more than 90 days, the 2-year period begins on the day following the day of release from active duty or active duty for training.

**Example 1:** A reserve officer was ordered to active duty for training under orders specifying a 92-day tour of duty to begin 1 Mar 1965, and to end 31 May 1965. Member was actually released from active duty for training 31 May 1965. The 2-year period begins 1 Jun 1965. Entitlement to the next $100 additional active duty uniform allowance accrues if the officer is called to active duty or active duty for training for a period of more than 90 days on or after 1 Jun 1967.

**Example 2:** If the officer in Example 1 served 35 days of a tour of active duty under orders specifying duty of more than 90 days, and was released from active duty for training 4 Apr 1965, the 2-year period starts 5 Apr 1965. Entitlement to the next $100 additional active duty uniform allowance accrues if the officer is called to active duty or active duty for training, for a period of more than 90 days on or after 5 Apr 1967. Refund of allowance, or any portion thereof, is not required since entitlement was based on his reporting for active duty for a period of more than 90 days.

**Example 3:** If the officer in Example 1 actually served 120 days in the tour of active duty for training because the orders were extended, and was released from active duty 28 Jun 1965, the 2-year period starts 29 Jun 1965. Entitlement to the next $100 additional active duty uniform allowance accrues if this officer is called to active duty, or active duty for training, on or after 29 Jun 1967, for a period in excess of 90 days.

(2) When an officer is ordered to active duty for training, for an indefinite period and serves more than 90 days, the 2-year period begins on the day following the day of release from active duty.

**Example 4:** A reserve officer was ordered to active duty for training for an indefinite period to begin 1 Mar 1965. Member was released from active duty 1 Jul 1965. On the 91st day of duty (30 May 1965) member was entitled to the $100 allowance as of the first day of duty (1 Mar 1965), if other conditions of entitlement were met. The 2-year period starts 2 Jul 1965. Entitlement to the next $100 additional active duty uniform allowance accrues if the officer is called to active duty or active duty for training, for a period of more than 90 days on or after 2 Jul 1967.

**Example 5:** If the reserve officer in Example 4 has been released from active duty 4 Apr 1965, after serving only 35 days, member would not be entitled to the $100 additional active duty uniform allowance for that period of active duty for training.

(3) When an officer is separated from a regular component, and is later appointed an officer in a reserve component and ordered to active duty, or active duty for training for more than 90 days, the 2-year period restriction in paragraph 30603b(2) does not apply. Exception: Regular officers appointed upon completion of ROTC training after 12 Oct 1964.

**Example 6:** An officer is separated from a regular component on 30 Jun 1965 and is appointed an officer in a reserve component on 1 Jul 1965. Then member reports for active duty for more than 90 days on 1 May 1967. Member would be entitled to the $100 additional active duty uniform allowance when reporting on the present tour of active duty, since the previous tour was as a regular officer.

## 30604. Determinations

a. An officer reporting for active duty for the first time who meets the requirements for entitlement to the initial uniform allowance and the additional active duty uniform allowance is entitled to receive both allowances.

★b. An officer who receives, or has previously received, an initial uniform allowance as an officer under any conditions other than those listed in subparagraphs 30602a(1), (2), (3), or (4), is not eligible to receive the initial uniform allowance upon transfer to or appointment in a reserve component or the Army or Air Force of the United States without component.

★c. A reserve officer who receives, or has previously received, an initial uniform allowance under the conditions listed in subparagraphs 30602a(1), (2), (3), or (4) and again qualifies for the initial uniform allowance and/or the additional active duty uniform allowance by meeting the basic requirements of this chapter is eligible to receive the $200 initial and/or the $100 additional allowance upon transfer to, or appointment in, another reserve component or the Army or Air Force of the United States without component, if the wearing of a different uniform is required.

d. If otherwise eligible, a reserve officer is entitled to be paid the additional active duty uniform allowance even if the member has not received an initial uniform allowance.

# CHAPTER 7

# PERSONAL MONEY ALLOWANCE

## 30701. Entitlement

Officers in the capacities listed below who are entitled to receive basic pay are also entitled to receive a personal money allowance. This allowance is in addition to any other pay or allowance authorized. The allowance is payable while the officer is serving in the grade of lieutenant general or vice admiral or above. When entitlement to the allowance is based on a specific duty assignment indicated in subparagraphs c or d, below, it does not accrue before the date member starts, or after the date member is released from, such duty assignment.

**a. Lieutenant General or Vice Admiral.** While serving in the grade of lieutenant general or vice admiral—$500 per year.

**b. General or Admiral.** While serving in the grade of general or admiral—$2200 per year.

**c. Chairman of the Joint Chiefs of Staff and Chiefs of Services.** While serving as chairman of the Joint Chiefs of Staff, Chief of Staff of the Air Force or Army; Chief of Naval Operations; or Commandant of the Marine Corps, in place of any other personal money allowance authorized in this chapter—$4000 per year.

**d. Senior Member of the Military Staff Committee of the United Nations.** While serving as a senior member of the Military Staff Committee of the United Nations and entitled to the grade, pay, and allowances of a lieutenant general or vice admiral—$2700 per year ($2200 plus $500 authorized in a above).

## 30702. Monthly Amounts Payable

The personal money allowance is payable at the following monthly rates:

| Rank | Monthly Rates |
|---|---|
| Chairman of the Joint Chiefs of Staff or Chief of Staff | $333.33 |
| Senior Member of the Military Staff Committee of the United Nations | $225.00 |
| General or Admiral | $183.33 |
| Lieutenant General or Vice Admiral | $ 41.67 |

# PART FOUR

# MISCELLANEOUS PAYMENTS

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# PART FOUR

# MISCELLANEOUS PAYMENTS

## CHAPTER 1

## ADVANCE, CASUAL, AND PARTIAL PAY

### SECTION A—ADVANCE PAYMENTS

### 40101. Advance Pay for Permanent Change of Station

The purpose of this advance payment is to provide a member with funds to meet extraordinary expenses incident to a PCS.

**a. Entitlement.** The conditions and amounts payable are contained in rules 1 through 4, table 4-1-1.

**b. Liquidation.** Advances are liquidated in accordance with rules 1 through 5 or rules 9 through 11, table 4-1-2.

**c. Effect on Allotments.** Do not pay an advance of pay in an amount that will require the stoppage of allotments for insurance or support of dependents. No allotments may be started after the advance is made if it will prevent liquidation within the allowed period. If separation is imminent stop all allotments necessary to collect the advance.

### 40102. Advance of Pay and Allowances

The purpose of the advance payment is to ease hardships imposed by the lack of regular payments when members are ordered to duty at distant stations or deployed aboard ships for more than 30 days.

**a. Entitlement.** The conditions and amounts payable are contained in rules 5 through 7, table 4-1-4.

**b. Liquidation.** These advances are liquidated in accordance with rules 6 through 11, table 4-1-2.

### 40103. Advance of Basic Allowance for Subsistence

Pay an advance of BAS when the commanding officer determines it to be necessary.

**a. Entitlement.** An enlisted member may be paid an advance of BAS not to exceed 3 months if the member is entitled to BAS and his commanding officer authorizes the payment. Individual service regulations may limit BAS advances to less than 3 months.

**b. Liquidation.** This advance is repaid based on rule 12, table 4-1-2.

### 40104. Advance Pay Upon Evacuation of Military Dependents

The purpose of this advance payment is to furnish evacuated dependents with funds to cover cost of travel, food, and other needs until their allotments can be started.

**a. Entitlement.** The conditions and amounts payable are contained in rule 10, table 4-1-1.

**b. Liquidation.** These advances are liquidated in accordance with rule 13, table 4-1-2.

### 40105. Advance of Allotment(s) to Dependents

The purpose of this advance payment is to allow a member to be paid the amount of an allotment(s) to dependent(s) if the member is assigned or scheduled for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States and the allotment(s) is made by the member not more than 60 days before the scheduled date of the assignment of the member to this duty.

**a. Entitlement.** The conditions and amounts payable are contained in table 4-1-1, rule 9.

**b. Liquidation.** This advance is liquidated in accordance with table 4-1-2, rule 14.

### 40106. Advance Pay for Members of the Armed Forces Health Professions Scholarship Program (AFHPSP) on Active Duty

**a. Entitlement.** An advance of pay not to exceed one month's base pay may be paid to a member of the AFHPSP when reporting for the annual 45-day active duty tour.

**b. Liquidation.** Collect the advance in full by the end of the 45-day active duty tour.

### 40107. Advance Payday

When the last day of the pay period falls on a Saturday, Sunday, or Federal legal holiday, payment is authorized on the preceding workday, but not more than 3 days before the last day of that pay period. This exception applies to foreign holidays recognized by US Forces abroad; it also applies to payments made to members upon separation from the service through retirement or discharge when the last day of active duty falls on a Saturday, Sunday, or Federal legal holiday. If a member dies after receiving an advance payment under this authority, but before the last day of the pay period for which payment is made, no part of the amount so advanced is recoverable by the United States.

## SECTION B—TRANSIENT, LOCAL, CASUAL AND PARTIAL PAYMENTS

### 40111. Transient, Local or Casual Payments

These are payments made to members away from their home stations. See procedural instructions of the service concerned.

### 40112. Local or Partial Payments

These are payments made to individual members (or groups when approved by organization commander) at their home stations. See procedural instructions of the service concerned.

TABLE 4-1-1

ADVANCE PAYMENTS—ELIGIBILITY AND AMOUNTS PAYABLE

|  | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| R U L E | A member in receipt of orders for (or to) | and | when approved by | may be paid an | in an amount | at the |
| ★1 | permanent change of station (includes PCS to new station on reenlistment after break in service and commencement of active duty by newly commissioned regular member) (note 1) | PCS is not due to separation from the service or trial by court-martial | the commanding or recruiting officer for grades E-4 and below except as prescribed in administrative regulations of the service concerned. (Approval is not required for officers and enlisted members pay grades E-5 and above) | advance of pay for PCS | of 1 month's basic pay, less deductions or if warranted an amount not more than 3 month's basic pay, less deductions (notes 3 and 4) | old station, point of reenlistment, or acceptance of commission, en route, or within 60 days after reporting to the new station |
| 2 | change of home port (note 1) |  |  |  |  | old home port, en route, or within 60 days after reporting to the new home port. (note 2) |
| 3 | extended active duty (includes reserve, retired or newly commissioned reserve members) (note 1) |  |  |  |  | first duty station or at any time after commencing travel to the first duty station after completion of physical examination, or within 60 days after reporting to the first permanent duty station. |

TABLE 4-1-1 (Continued)

| R U L E | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| | **A member in receipt of orders for (or to)** | **and** | **when approved by** | **may be paid an** | **is an amount** | **at the** |
| 4 | a training or indoctrination center on induction or enlistment (Army, Air Force, and Navy only) | | the center commander | | not to exceed 5 day's basic pay (note 5) | training or indoctrination center. |
| 5 | assignment to a distant duty station | pay and allowances cannot be paid regularly | the commanding officer (approval required for both officers and enlisted members) | advance of pay and allowances | not more than 3 months' basic pay and allowances, less deductions (note 4) | old station, en route, or while on duty at the distant station |
| 6 | | | | | more than 3 months' basic pay and allowances, less deductions, when approved by: Army and Air Force—Major Command; Navy—Office of the Comptroller; Marines—Commandant of the Marine Corps (FDD) (note 4) | |

|  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|
| 7 | deployment aboard ship for more than 30 days (Navy-Marine Corps only) |  |  |  | not more than the basic pay (plus submarine and sea duty pay for members attached to submarines) and allowances that will accrue during the period of deployment, less deductions (note 4) |  |
| 8 | evacuation of dependents from a place outside US or such other place as the President designates (note 6) | evacuation of all military dependents in the area is ordered by the Area commander, the State Department, or other authorized US official |  | advance pay, payable to dependent in one or more installments | as designated by the member, in a total amount of not more than 2 months' basic pay (deductions are not considered) | permanent station or any military disbursing office, either overseas or in the United States. |
| 9 | for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the US (note 7) |  |  | amount of an allotment(s) for dependent(s) | equal to amount of the allotment(s) for 1 month (note 8) |  |

NOTES:

★ 1. TDY enroute does not preclude payment. Advance payments for a PCS move in the same geographical area of the member's prior duty station or home port, or place from which ordered to active duty, are authorized **only when movement of the member's household at government expense is authorized.**

2. Not later than 60 days after effective date of change or 60 days after vessel arrives at new home port/home yard, whichever is later.

3. Advances may be paid in 1, 2, or 3 installments and are in addition to any amounts otherwise due on the day the advance payment is made.

4. Deductions will be made for: (a) Federal/State Income Tax Withholding, (b) Soldier's and Airmen's Home if applicable, (c) FICA tax, (d) SGLI, (e) all known debts (whether scheduled or unscheduled) for collection, including previous unliquidated advances and (f) total of all allotments in force when computing advances of pay and allowances (rules 5, 6 and 7).

5. This advance is collected in full when member receives first regular pay.

6. This advance is not payable for evacuation of individual dependents.

7. The advance payment may not be made more than 60 days before the scheduled date of the duty assignment.

8. Establish an allotment(s) for dependents in the member's pay record simultaneous to paying the advance.

*TABLE 4-1-2

LIQUIDATION OF ADVANCES

| | A | B | C | D | E |
|---|---|---|---|---|---|
| R U L E | When a member was paid an | and | begin collection | and when justified by the member and approved by | at the rate of |
| 1 | advance of pay for PCS (including 2nd or 3rd installments if any) | | the first day of the month after payment of the advance, or applicable installment | | one-twelfth of the amount advanced per month for the next 12 months (notes 1, 2 and 8) |
| 2 | | PCS movement is either in the CONUS or overseas, involving unusually large expenses and repayment within 12 months would create an undue hardship | | Army: Company commander level for CONUS assignments designated by service Secretary as high cost areas and all overseas areas; major command approval for all others | one-twenty-fourth of the amount advanced per month for the next 24 months (notes 1, 2, 6, and 7) |
| 3 | | | | Air Force: Executive Officers or Division Chiefs for members assigned to Air Staff. Unit Commanders for all others. Disapproval authority is Directorate level at Air Staff and base commander (or equivalent for all others | |
| 4 | | | | Navy: The member's CO when PCS is to CONUS high cost area or overseas. CO for all others when justified | |

TABLE 4-1-2 (Continued)

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | When a member was paid an | and | begin collection | and when justified by the member and approved by | at the rate of |
| 5 | | | | Marines: Command-Officer of a Battalion, squadron, or separate detached command | |
| 6 | Advance of pay and allowances for duty at a distant station | duty ends earlier than expected | on the day following the day payment was made | the commanding officer | Equal monthly installments of not less than one-sixth of the unliquidated amount advanced per month for 6 months (notes 1 and 2). |
| 7 | | | | | all net pay and allowances accruing to the member until the advance is repaid in full. |
| 8 | advance of pay and allowances for members deployed aboard ships | the deployment is for more than 30 days | | | |
| 9 | advance of pay (PCS) or advance of pay and allowances (distance or deployed duty) (note 4) | member dies | of the advance | | any unpaid pay and allowances are used to liquidate the advance (note 3). |
| 10 | | member's separation is imminent | | | any unpaid pay and allowances, except MOP and enlisted mileage allowance, are used to liquidate advance (note 3). |

| | | | | | |
|---|---|---|---|---|---|
| 11 | | member's orders are revoked | immediately in the full amount | the commanding officer | one-sixth of the amount advanced per month for the next 6 months (notes 1 and 2). |
| 12 | advance of BAS (enlisted members) | | on the day following the day payment was made | | the amount of BAS accruing to the member's credit. If entitlement to BAS ends before repayment, collect the balance due as for an overpayment. |
| 13 | advance pay for evacuation of dependents | | as a charge against the member's pay in the full amount or, when the member applies for waiver or recovery (note 5) that portion of the advance to which the waiver does not apply | the Service Secretary | the full amount as determined under C or monthly installments established under column D, rule 1, table 7–7–6. |
| 14 | advance payment of the amount of allotment(s) to dependent(s) | | of the advance in the month following the month payment was made | | one sixth of the amount advanced per month for the next 6 months (notes 1 and 2). |

NOTES:

1. Upon member's request, repayment may be made in lump-sum or increased monthly amounts.

★2. The repayment period shall be scheduled to liquidate the advance before the member's expected date of separation. Liquidation should be scheduled for completion prior to the start of a subsequent PCS move. When justified, a request for a liquidation period in excess of 12 months shall be approved in writing by the approving official.

3. Uncollected advances are passed to credit in the accounts of the disbursing officer. Such amounts remain a debt owed the US by the member or member's estate.

4. If member immediately reenlists, liquidation of advances of installment may be continued in new enlistment.

5. Service Secretaries are authorized under 37 U.S.C. 1006(c), as amended by Public Law 89-26, and Public Law 89-608 to waive recovery of not more than 1 month's basic pay advanced thereunder when such recovery would be against equity and good conscience or against the public interest.

6. When request is disapproved collection will be at the rate specified in rule 1.

7. When liquidation period has been extended after the 12-month repayment schedule is operating, repayment will be prorated in accordance with service regulations, not to exceed the 24-month period.

8. When executing PCS orders of less than 12 months, Reserve component recipients of advance pay must accept a liquidation schedule which provides for repayment by termination date of orders.

# CHAPTER 2

# PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS

## 40201. Entitlement

Members on active duty are entitled to active duty pay and allowances even though mentally incapable of managing their own affairs. This includes miscellaneous payments authorized on separation from the service. See chapter 4, part four, this manual.

## 40202. Payment

The appointment of a guardian, trustee, or other legal representative is a prerequisite to payment. For designation of trustee and payment offices, see table 4–2–1.

## 40203. Member Mentally Incompetent Before Entry on Active Duty

When it is shown that a member was judicially declared mentally incompetent before induction or enlistment, member is not entitled to pay and allowances. See chapter 4, part one.

## 40204. Finality of Payments to Trustee

Any payments on behalf of a mentally incompetent member to a designated trustee(s) are a complete discharge of the obligation of the United States as to amounts paid.

## 40205. Restriction Against Acceptance of Fees

A person serving in a legal, medical, fiduciary, or other capacity may not demand or accept a fee, commission, or other charge (except bonding fee) for any service performed in administration of a mentally incompetent member's account.

TABLE 4-2-1

PAYMENT OF MENTALLY INCOMPETENT MEMBERS

| | A | B | | | C | D |
|---|---|---|---|---|---|---|
| | | and member is in the | | | | |
| RULE | When | Army | Navy, Marine Corps | Air Force | then trustee is designated by | and payment is made by |
| 1 | a court of competent jurisdiction has not appointed a guardian, committee, or other legal representative | X | | | Commander USAFAC | USAFAC |
| 2 | | | X | | Judge Advocate General | Navy Finance Center or Marine Corps Finance Center, as applicable |
| 3 | | | | X | Commander, AFAFC | AFAFC |
| 4 | a court of competent jurisdiction has appointed a guardian, committee, or other legal representative | X | X | X | none required | appropriate office shown in rule 1, 2, or 3 above except as indicated in note 1 |

NOTE: Army Only — Local disbursing officer having custody of member's PFR may make payments.

## CHAPTER 3

# PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION, INTERNED, ETC., AND PAYMENTS TO DEPENDENTS

### 40301. Definitions

**a. Member.** The term "member" is the same as definition in the Glossary of Terms.

**b. Dependent.** The term "dependent" is the same as defined in the Glossary of Terms. In addition, for the purposes of this chapter, the term "dependent" also means a dependent designated in official records, or a person determined to be a dependent by the Secretary of the service concerned or the Secretary's designee.

**c. Missing Status.** The term "missing status" is the same as defined in the Glossary of Terms.

### 40302. Authority to Make Official Determinations Under the Missing Persons Act

See table 4-3-1.

### 40303. Entitlement to Pay and Allowances While in a Missing Status

**a. General.** A member listed in paragraph 40301 who enters a missing status is entitled to the pay and allowances to which entitled when the missing status began or to which the member becomes entitled later. The right to a certain pay or allowance is not affected by the fact that the member had not actually received payment before entering missing status. See table 4-3-2 for items of entitlement.

**b. BAQ and BAS Entitlement.** Members without dependents are entitled to BAQ at the without dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. Payment of these allowances are authorized from the beginning of the missing status, even though there was no quarters or subsistence allowance entitlement before the missing status began.

### 40304. Allotments for Members in Missing Status

Allotments in effect before a member enters a missing status may be continued. As directed by the Secretary of the department concerned or the Secretary's designee, allotments may be initiated, suspended, resumed, increased, decreased, or discontinued where circumstances so warrant in the interests of the missing member, the dependents, or the Government. Authority to initiate allotment actions for deposit of a missing member's unpaid pay and allowances in the Uniformed Services Savings Deposit Program is prescribed by chapter 8, part seven, this manual.

### 40304.1 Tax Withholding For Members in Missing Status

See paragraph 70102b.

### 40305. Review of Case After 12 Months and Finding of Death

**a. Review of Case After 12 Months.** When a 12-month period (from starting date of absence of a member missing, etc.) is about to end and the member has not been officially reported dead, imprisoned, or interned, the case is fully reviewed. After this review and when the 12-month period has ended (or following any later review warranted by information received or other circumstances), the Secretary of the department concerned or the Secretary's designee:

(1) Directs continuance of the member's missing status, if the member may reasonably be presumed to be living, or

(2) Makes a finding of death.

**b. Continuance of Member's Missing Status.** When a member is continued in a missing status under a(1) above, credit pay and allowances to the member's account. Allotments are continued, discontinued, increased, or initiated as provided in part six. When the Secretary of the service concerned (or designee) officially reports that a missing member is alive and in the hands of a hostile force or is interned in a foreign country, allotment payments are authorized. These payments on member's behalf continue through the date the Secretary (or designee) receives evidence that the member is dead. When a member returns to service control, the member resumes control of allotments.

**c. Finding of Death.** A finding of death includes the date upon which death is presumed to have occurred for the purposes of stopping pay and allowances, settlement of accounts, and payment of death gratuities. Such date is the day following the day the member has been absent 12 months, unless the missing status is continued beyond that day. In this case, the date of death is the date determined by the Secretary (or designee).

**d. Change in Date of Death.** Payment of an account made following a report, determination, or finding of death may not be recovered and the case may not be reopened because of a later report or determination fixing an earlier date of death. If a later date of death is established, the account is reopened and settled on the basis of the later date.

### 40306. Conclusiveness of Settlements

Settlements made under this chapter are conclusive upon the accounting officers of the Government in effecting settlement of the accounts of a disbursing officer. The Secretary of the department concerned is authorized to settle members' accounts for payment under the Missing Persons Act. In the absence of fraud or criminal intent on the part of the disbursing officer, credit is allowed for any erroneous payment or overpayment made by the disbursing officer under this chapter. No recovery may be made from any officer or employee authorizing any payment under this chapter in the absence of fraud or criminal intent on the part of the officer or employee.

### 40307. Penalty for Fraudulent Receipt of Monies Under This Chapter

Any person who receives any money, check, or allotment under this chapter without being entitled to it and with intent to defraud will be punished by a fine of not more than $2,000, or by imprisonment for not more than 1 year, or both.

### 40308. Payment of Death Gratuity

See chapter 5, this part, for payments when member in missing status is reported dead, or for whom a finding of death is made.

### 40309. Accrued Leave

**a. Accumulation.** Members while in a missing status can accumulate leave without regard to any leave accrual limitations currently expressed in law. However, a member whose death is prescribed under paragraph 40305 may, in addition to leave accrued before entering a missing status, accrue not more than 150 days leave during the period of a missing status unless the actual date of death is found to have occurred on a date when the member had accrued leave in excess of 150 days. Leave accumulated while in a missing status may not be taken but shall be paid.

**b. Settlement.** Leave accumulated while in a missing status will be accounted for separately and settled as follows:

(1) Return From Missing Status. Members will be paid for all leave accumulated while in a missing status as soon as possible after return from a missing status. Items to be included in the accrued leave payment are provided in table 4-4-5. Computation will be based on the rates to which the member was entitled on the date the member's name was removed from the missing status.

(2) Death in a Missing Status. Notwithstanding the death of a member while in a missing status, leave will continue to accrue to the member's account through the date the Secretary concerned (or designee) receives evidence that the member is dead or through the date of death as prescribed or determined under paragraph 40305. Although leave will accrue for the entire missing status period, the actual accrued leave settlement will vary according to circumstances.

(a) Death Prior to Fifth Year MIA Status. Payment for unused leave accrued to a member's credit while in a missing status is for 150 days, providing the member was continued in a missing status for 5 or more years. Payment for 150 days is made even though it is later found that member's actual death occurred within the first 5 years after entry into missing status or upon entry into such status. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status and the 150 days' leave described in this subparagraph (a). Items to be included in the accrued leave payment are provided in table 4-4-5. Computation is based on the rates to which the member was entitled on the date of death.

(b) Death Subsequent to Fifth Year MIA Status. When it is found that the member's actual death occurred subsequent to the fifth year after entry into a missing status, payment for unused leave accrued to a member's credit while in a missing status is for the total accrued until death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status and the accrual described in this subparagraph (b). Items to be included in the accrued leave payment are provided in table 4-4-5. Computation is based on the rates to which the member was entitled on the date of death.

(c) Death, MIA Status Less Than 5 Years. Payment for unused leave accrued to a member's credit while in a missing status, and the member was continued in a missing status for less than 5 years, is for the total accrued through the date the Secretary (or designee) of the service concerned makes a finding of death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status and the accrual described in this subparagraph (c). Items to be included in the accrued leave payment are provided in table 4-4-5. Computation is based on the rates to which the member was entitled on the date of death.

(d) Special Conditions of Entitlement. Settlement of accrued leave for a deceased member who was promoted while in a missing status is based on the amount of leave accrued to the member's credit before entering the missing status and the amount of leave accumulated in a missing status as provided in the applicable provisions of (a), (b), or (c), above. Computation is based on the grade to which promoted and rate of pay in effect on the date of the presumed finding or the date of the determination of death. This will apply even though a Secretarial determination is later made that the member died before the date of promotion. See rule 6, table 4-3-2.

## 40310. References

**★a. Army:**

(1) Casualty accounting, reporting, and notification. See AR 600-10.

(2) Transportation of dependents, household goods, and personal effects. See JTR, AR 37-106.

**b. Navy:**

★(1) Casualty accounting, reporting, and notification. See MILPERSMAN.

(2) Transportation of dependents, household goods, and personal effects. See JTR and NTI.

**c. Marine Corps:**

(1) Casualty accounting, reporting, and notification. See MCO P-3040.4.

(2) Transportation of dependents, household goods, and personal effects. See JTR, NTI, and Marine Corps Transportation Manual (MCO P4600.7).

**d. Air Force:**

(1) Casualty accounting, reporting, and notification. See AFRs 30-25 and 35-40.

(2) Transportation of dependents, household goods, and personal effects. See JTR, AFR 75-25, and AFR 177-103.

(3) Report to Veterans Administration—Pay and Allotment Information—Deceased Members (DD Form 1515). See AFM 177-373, volume I.

TABLE 4-3-1

AUTHORITY TO MAKE OFFICIAL DETERMINATIONS UNDER THE MISSING PERSONS ACT

| | A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|
| R<br>U<br>L<br>E | **If missing member is** | **authority to make all determinations is vested with the Secretary of the** | **who has delegated to** | **authority to make determinations** | **and has delegated to the** | **authority to make determinations** | **and all such determinations** |
| 1 | Army | Army | the Adjutant General, US Army, Washington DC 20310 | of status of members, of death, and of essential dates | Commander US Army Finance & Accounting Center, Indianapolis IN 46249 | pertaining to facts of dependency and to the initiation, continuance, suspension or resumption of allotments of pay | are conclusive in the absence of fraud or criminal intent |
| ★2 | Navy | Navy | Director, Community and Personal Services Division, Naval Military Personnel Command, Washington DC 20370 | of status of members and their dependents, of death, of essential dates and facts of dependency | | | |

|  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|
| ★3 | Marine Corps |  | Head Personnel Affairs Branch, Human Resources Division, Manpower Department, US Marine Corps, Washington, DC 20380-0001 |  |  |  |
| 4 | Air Force | Air Force | Assistant DCS/Manpower and Personnel for Military Personnel, Randolph AFB TX 78150 | of status of members and their dependents, of death, and of essential dates | Commander, Air Force Accounting and Finance Center, Denver CO 80279 | pertaining to facts of dependency, starting, stopping or changing allotments of pay, waiving recovery of erroneous payment or overpayment, and settling accounts of members affected |

TABLE 4-3-2

PAY AND ALLOWANCES WHICH ACCRUE TO MISSING MEMBERS

| R U L E | A |  |  |  | B | C | D | E |
|---|---|---|---|---|---|---|---|---|
|  | When member is |  |  |  | who is | then member is | with accounts maintained and allotments paid by | and |
|  | Army | Navy | Marine Corps | Air Force |  |  |  |  |
| 1 | X |  |  |  | missing, missing in action, interned in a foreign country, beleaguered or besieged by a hostile force, or detained in a foreign country against member's will | entitled to receive or have credited to member's account the pay and allowances to which entitled when missing status began or to which member becomes entitled later, as follows:<br>Basic pay<br>Special pay<br>Incentive pay for hazardous duty<br>BAQ (note 7)<br>BAS (note 7)<br>FSA I<br>FSA II (note 1)<br>Station per diem allowances for not more than 90 days (note 2)<br>HFP if the member qualified immediately before entry to a missing status | US Army Finance & Accounting Center, Indianapolis IN 46249 | payments continue through date of receipt by the service concerned of evidence of death of the member or date of presumption of death made by the Secretary concerned or secretary's designee, or date of return to service jurisdiction (note 3) |
| 2 |  | X |  |  |  |  | Navy Finance Center, Anthony J. Celebrezze Federal Bldg., Cleveland OH 44199 |  |
| ★ 3 |  |  | X |  |  |  | **Marine Corps Finance Center, (CDD) Kansas City, MO 64197-0001. Allotments paid by (CPD)** |  |
| 4 |  |  |  | X |  |  | Air Force Accounting & Finance Center, Denver CO 80279 |  |

|  |  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|---|
| 5 | X | X | X | X | officially determined to be absent without authority rather than in a missing status | not entitled to pay and allowances for any such period (note 4) |  |  |
| 6 | X | X | X | X | An officer, warrant officer or enlisted member who receives a promotion while in a missing status (note 5) | entitled to pay and allowances of the pay grade to which promoted from the date of orders announcing the promotion |  |  |
| 7 | X | X | X | X | in a missing status has a change of conditions upon which pay and allowances are based | entitled to the pay and allowances based on the changed conditions (note 6) |  |  |
| 8 | X | X | X | X | an enlisted member who continues in missing status after expiration of term of service | entitled to continuance of pay and allowances |  |  |
| 9 | X | X | X | X | in receipt of or has placed to member's credit, pay wages, allowances, or other compensation from the hostile force | not charged or debited with any such amount against member's pay and allowances |  |  |

NOTES:

1. Member may qualify for FSA-T while in a missing status if the continuous period of more than 30 days is completed after entering the missing status. (See para 30323 and 30324.)

2. Travel per diem and clothing monetary allowances do not accrue during a missing status, even though member was entitled to them when missing status began.

3. When facts or events warrant, the Secretary of the department concerned or Secretary's designee may change or modify a prior determination.

4. See Table 3-2-5 re continuance of credit for BAQ for member with dependents for two months following month of absence for pay grade E-4 (four or less years' service) or below.

5. This applies even though a Secretarial determination is later made that the member died before the date of promotion.

6. For example, if the sole dependent of a missing member dies, credit for BAQ for a member with dependents ceases and any allotment in force in the dependent's favor is stopped and deductions cease.

7. Members without dependents are entitled to BAQ at the without dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. See para 40303b.

# CHAPTER 4

# SEPARATION PAYMENTS

## SECTION A—ACCRUED LEAVE PAY

### 40401. Entitlement

★a. Except as provided in subparagraph c, below, a member who is discharged under honorable conditions is entitled to payment of unused accrued leave unless the member continues on active duty under conditions which require accrued leave to be carried forward. Also, an enlisted member who voluntarily extends enlistment for the first time is entitled to payment for unused accrued leave. Effective on 10 Feb 1976, a military member can be paid for no more than 60 days of accrued leave during a military career. Payments for accrued leave made before such date will be excluded from this 60-day limitation. Effective 14 Jul 1976,a member eligible for an accrued leave settlement may elect to receive payment for a portion of the accrued leave, not to exceed a career total of 60 days, and have the remaining accrued leave carried forward to a new or extended enlistment. The combination of elections may exceed 60 days. Tables 4-1-1 through 4-4-4 give the rules for determining whether a member may be paid for accrued leave.

b. Under regulations prescribed by the Secretary concerned, a member sentenced to unsuspended dismissal or unsuspended dishonorable or bad-conduct discharge by court-martial may be required to take leave pending review of the conviction as provided by Article 76a, Uniform Code of Military Justice (UCMJ). The member may elect to be paid for the accrued leave to his/her credit on the day before the day leave begins. Payment shall be based on the rate of basic pay to which the member was entitled on the day before the day leave begins.

c. All service members enlisted or commissioned on or after 19 Oct 1984, including those prior service members with breaks in service of 93 or more consecutive days, who are involuntarily discharged after 1 Mar 1985, prior to completing 6 months of active duty, shall forfeit all accrued leave at the time of discharge if the basis of their discharge is unsatisfactory performance or misconduct under any of the following reasons:

(1) Enlisted members:

(a) Defective enlistments and inductions (minority and fraudulent entry only).

(b) Entry level performance and conduct.

(c) Unsatisfactory performance.

(d) Homosexuality (unless the member receives an honorable discharge).

(e) Drug/alcohol abuse rehabilitation failure.

(f) Misconduct.

(g) Separation in lieu of trial by court-martial.

(h) Security (unless the member receives an honorable discharge).

(2) Officers:

(a) Separation for cause.

(b) Dropped from the rolls.

(c) Homosexuality (unless the member receives an honorable discharge).

(d) Misconduct/moral/professional dereliction.

(e) Separation in lieu of trial by court-martial.

(f) Security (unless the member receives an honorable discharge).

### 40402. Computation of Payment

Settlement for leave accrued as of 31 Aug 1976 will include basic pay, BAQ, BAS, and PMA as appropriate (see table 4-4-5). Settlement for leave accrued on and after 1 Sep 1976 will include basic pay only.

Example: On 31 Aug 1976 a member has 65 days of accrued leave. The member takes leave from 5 through 24 Sep 1976 (20 days). The member accrued 2 days of leave 1-24 Sep 1976, used 18 of the 65 days of saved leave and reduced the saved balance to 47 days. Future leave accrued and used will be computed accordingly.

### 40403. Withholding Tax

Lump sum payments of accrued leave, exclusive of allowances, are subject to withholding tax.

### 40404. Available to Liquidate Debts

All items of the lump-sum payment for accrued leave (including subsistence and quarters allowance portions if applicable) may be used to liquidate debts to the US Government.

### 40405. Payment to Beneficiaries

**a. Death of Member on Active Duty (see rule 8, table 4-4-1).**

**b. Death After Retirement or Discharge.** If a member or former member dies after retirement or discharge, and before receiving any or all compensation for accrued leave (not to exceed 60 days), the balance due is paid to beneficiaries designated in section B, chapter 5, part four. Submit claims for accrued leave under this subparagraph to the appropriate address below:

(1) Army:
Commander, US Army
Finance and Accounting Center
Indianapolis IN 46249

(2) Navy:
Commanding Officer
Navy Finance Center (Code 43)
Anthony J. Celebrezze Federal Bldg
Cleveland OH 44199

(3) Marine Corps:
Marine Corps Finance Center
**Settlement Division (Code SEC)**
**Kansas City MO 64197**

★**(4)** *Air Force:*

AFAFC/AJC
Denver CO 80279-5000

## SECTION B—SEPARATION PAY

### 40411. Entitlement

**a. Officers and Reserve enlisted members who have completed 5 or more, but less than 20 years, of active service before involuntary discharge, separation, or release from active duty under conditions in table 4-4-6 are entitled to separation pay. Except as in b below, the qualifying years do not have to be continuous; however, the last phase of the qualifying term must end immediately before the discharge, separation, or release from active duty occurs.**

**b. Effective 1 Oct 1983, a member described in subparagraph a above who was not on the active duty list when discharged, released, or separated, is not entitled to separation pay unless the member had completed at least 5 years of continuous active duty immediately before such discharge, release, or separation. A period of active duty is continuous if any break in service does not exceed 30 days. Paragraph 40424 describes the continuous active duty rules which apply.**

### 40412. Computation

**a. The amount of separation pay is computed per table 4-4-6.**

### ★40413. Restrictions

a. A member is not entitled to separation pay authorized by this section if the member is:

(1) Discharged or released from active duty at member's own request. This does not apply to an officer who is discharged or released from active duty because of failure to be selected for promotion, or to an officer who requests discharge after being notified in writing that a board of officers has determined that such officer must show cause for retention.

(2) Released from active duty for training.

(3) Eligible for retired or retainer pay, based on member's military service, immediately upon discharge or release from active duty.

(4) A warrant officer whose appointment is terminated during the 3-year probationary period and who elects to enlist.

(5) A warrant officer who has twice failed to be selected for promotion to the next-higher permanent regular warrant officer grade and is serving on active duty in a grade above chief warrant officer, grade W-4, and elects with the consent of the Secretary concerned, to be retained on active duty in that status.

(6) A warrant officer who has twice failed to be selected for promotion to the next-higher permanent regular warrant grade and elects to enlist.

(7) A warrant officer who is eliminated for unfitness or unsatisfactory performance of duty and elects to enlist.

(8) A Reserve officer who declines a regular appointment if offered at the mandatory integration point, when an all-regular career force program is implemented by the Secretary of the military department concerned.

(9) Discharged or released under conditions which the Secretary of the military department concerned has determined do not warrant payment.

(10) Separated as a result of execution of a court-martial sentence.

(11) Dropped from the rolls of the military service concerned.

(12) Discharged under other than honorable conditions.

b. The total amount a member may receive in separation pay under this section and readjustment or severance pay (other than disability) under section c or prior law may not exceed $30,000.

### 40414. Effect on Retired Pay or VA Compensation

**a. Refund Upon Retirement.** A member who receives separation pay, readjustment pay, or severance pay after 14 Sep 1981, and who later qualifies for retired or retainer pay refunds from such retired or retainer pay so much of such pay as is based on the service for which separation pay, readjustment pay, or severance pay was received, until the total amount deducted equals the total amount of separation pay, readjustment pay, or severance pay received.

**b. VA Disability Compensation.** When a member who receives separation pay, readjustment pay, or severance pay after 14 Sep 1981 is entitled to VA disability compensation, VA will deduct the amount of separation pay, readjustment pay, or severance pay received from future VA compensation. VA does not deduct when VA disability compensation is based on a period of active duty which is later than the period for which payment of separation pay, readjustment pay, or severance pay was made.

### 40415. Computation of Active Service

To compute years active service to determine amount of separation pay, readjustment pay, or severance pay due, follow these rules:

**a. Fractions of Year.**

(1) Readjustment or Severance Pay. Count 6 months or more as a whole year, and disregard any part less than 6 months. (Note: In computing readjustment pay, the minimum eligibility of 5 full years continuous active duty must be met first).

(2) Separation Pay. Effective 24 Sep 1983, count each full month of service that is in addition to the number of full years of creditable service as 1/12 of a year. Disregard any remaining fractional part of a month.

**b. Period for Which Separation Pay Received.** Do not count any prior service for which any type of separation pay, readjustment pay, severance pay or release from duty payment has been made.

**c. Qualification for Separation Pay.** Prior service for which any type of separation pay, readjustment pay, or severance pay has been made, may be used for qualification for separation pay, but may not be included in determining years of service for computing the amount of separation pay.

**d. Service Component.** Count periods of service in a regular or reserve component.

**e. Active Duty for Training.** Include active duty for training performed on and after 10 Aug 1956.

**f. Unauthorized Absence.** Do not include periods of AWOL, confinement time awaiting trial which results in conviction, time lost through disease or injury resulting from misconduct. Count time served to make good lost time.

**g. Cadet or Midshipman Service.** Do not include service as a cadet or midshipman at a service academy.

**h. Time of War or National Emergency.** Do not include active service during time of war or national emergency declared by Congress after 28 Jun 1962.

### 40416. Available to Liquidate Debts

Separation pay under this section may be

used to liquidate debts to the US Government.

### 40417. Entitlement to Readjustment Pay or Severance Pay Under Prior Provision of Law

See section C.

## SECTION C—SAVINGS PROVISIONS FOR READJUSTMENT AND SEVERANCE PAY (Other Than Disability)

### ★40421. Basic Conditions of Entitlement

a. This section is applicable only to members who were on active duty (other than for training) on 14 Sep 1981 and after such date are involuntarily discharged or released from active duty. Members entitled to readjustment or severance pay under this section and separation pay under section B may not receive both, but shall elect which they will receive. If no election is made, members will receive the amount that is most favorable to them.

b. With respect to members discharged or released on or after 19 Oct 1984, the member is not entitled to readjustment or severance pay if the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay.

### 40422. Effect on Retired Pay or VA Compensation

a. See paragraph 40414 for procedures when readjustment or severance pay is received after 14 Sep 1981.

b. Refund upon retirement. A Reserve member who has received a readjustment payment on separation after 28 Jun 1962 and before 15 Sep 1981 and who later qualifies for retired or retainer pay under 10 U.S.C. or 14 U.S.C. (upon completing 20 years of active service), refunds 75 percent of the gross readjustment pay, without interest, by immediate deduction from retired or retainer pay. This is not required if readjustment pay has been waived or refunded under c below.

c. Waiver or Refund Before Retirement. A member may waive entitlement to readjustment pay. Also, the full amount of such pay may be refunded before retirement. Under either condition, the member will receive retired or retainer pay immediately upon retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

d. VA Disability Compensation. When a member who receives readjustment pay before 15 Sep 1981 is entitled to VA disability compensation, VA will deduct 75 percent of the readjustment payment from future VA compensation. VA does not deduct when VA disability compensation is based on a later period of service. A member who elected on or before 27 Jun 1962 to receive readjustment pay in lieu of VA disability compensation may be awarded disability compensation effective on and after 28 Jun 1962. VA reduces the disability compensation by 75 percent of the readjustment payment, unless readjustment pay was waived or refunded.

### 40423. Entitlement to and Computation of Readjustment Pay

Conditions of entitlement are in tables 4-4-7 and 4-4-8. Table 4-4-9 shows how readjustment pay is computed.

### 40424. Computation of 5-year Continuous Period

To compute the 5 years of continuous active duty needed to qualify for readjustment pay, follow these rules:

**a. Breaks in Service.** Breaks in service of 30 days or less do not destroy the continuity of active duty (even though two or more breaks total more than 30 days). However, the time covered by such breaks must be excluded in computing the minimum 5 years of active duty. Do not consider AWOL, confinement, time awaiting trial which results in conviction, time lost through intemperate use of drugs or alcoholic liquor or time lost through disease or injury resulting from misconduct as "breaks in service."

**b. Active Duty for Training.** Include activity duty for training performed on and after 10 Aug 1956.

**c. Service Component.** Combine

service in the regular component with service in a reserve component.

**d. Officer or Enlisted Service.** Combine duty as an enlisted member and as a commissioned or warrant officer.

**e. Other Branch of Service.** The 5 years' continuous active duty need not be performed in the same military service.

**f. Home Awaiting Orders.** Do not include time spent at home awaiting active duty orders.

### 40425. Computation of Active Service

See paragraph 40415.

### 40426. Entitlement to and Computation of Severance Pay (Other Than Disability)

See table 4-4-10.

### 40427. Available to Liquidate Debts

Readjustment and Severance Pay under this section may be used to liquidate debts to the US Government.

## SECTION D—DISABILITY SEVERANCE PAY

### 40431. Entitlement

A member separated from the service for physical disability is entitled to severance pay if qualified as prescribed in personnel regulations of the service concerned. When a member is entitled to disability severance pay, separation orders specify this entitlement.

### 40432. Disability Incurred During Nonpay Status

A member who incurs a disability while in a total pay forfeiture status is not entitled to disability severance pay. This is true even though the Secretary of the service concerned remits the unexecuted portion of the sentence, including all uncollected forfeitures.

### 40433. Computation

**a. Formula.** To compute disability severance pay, multiply the sum of two months' basic pay by the number of years of active service (but not over 12). Do not include as basic pay the 25 percent increase prescribed under certain conditions for a Navy or Marine Corps member retained on active duty after enlistment expires. Disability severance pay is excluded from the $30,000 maximum established in paragraph 40413b.

**b. Years of Active Service.** The member's separation orders specify years of service to be counted in computing severance pay. (Personnel regulations of the service concerned prescribe the types of service included.) Count a fraction of a year which is six months or more as a whole year. Do not count a part of a year that is less than 6 months. A member who has less than 6 months' active service at separation is not entitled to disability severance pay.

**c. Grade at Which Disability Severance Pay is Computed.** Compute severance pay on basic pay of the highest grade or rank described below:

(1) The grade or rank in which the member is serving at separation;

(2) The permanent reserve grade held at separation;

(3) The highest temporary or permanent grade or rank in which member served satisfactorily as determined by the Secretary of the service concerned; or

(4) If the disability is found during an examination for promotion, the grade or rank to which member would have been promoted if there were no disability.

**d. Example of Computation:** A chief storekeeper has over 14 years of service for basic pay purposes and 8 years, 7 months, and 3 days of active service as of the date of separation for physical disability. The highest rank under c above is Warrant Officer, W-1. Member is entitled to disability severance pay computed as follows: W-1 (14) basic pay × 2 × 9 = amount of severance pay.

### 40434. Withholding Tax

Refer to table 7-1-1, note 6 to determine if disability severance pay is subject to withholding tax.

### 40435. Available to Liquidate Debts

Disability severance pay may be used

to liquidate debts to the US Government.

### 40436. Deduction from VA Compensation

VA deducts disability severance pay from any VA compensation to which the member or dependents later become entitled for the same disability. Deductions are not made from death compensation to which dependents become entitled after the member's death.

### 40437. Other Benefits and Claims

A member paid disability severance pay is not entitled to any payment from the military services for, or arising out of, service before separation. This does not prohibit payment if an amount is due the member on the date of separation, or if a claim is allowed under law.

## ★SECTION E—CONTRACT CANCELLATION PAY AND ALLOWANCES (NAVY AND MARINE CORPS ONLY)

### 40441. Entitlement

Members released from active duty in the Navy or Marine Corps without their consent before the end of their active duty agreement made under 10 U.S.C. 679(a) are entitled to a special payment under 10 U.S.C. 680. This payment is in addition to any pay and allowances to which member is otherwise entitled.

### 40442. Computation

To compute the amount payable, multiply the number of years and fraction of a year of the unexpired period of service under the contract by the sum of one month's basic pay, special pay, and allowances to which the member is entitled on the day of release. Count a fraction of a month that is 15 days or more as a whole month and disregard a fraction of a month that is less than 15 days. Separation orders show the number of years and months of unexpired service for which contract cancellation pay and allowances are payable.

### 40443. Restrictions

A member is not entitled to the special payment authorized by this section if:

a. Dismissed or discharged under the sentence of a court-martial;

b. Released because of an unexplained absence without leave of at least 3 months;

c. Released because of conviction and sentence to confinement in a Federal or State penitentiary or correctional institution which sentence has become final;

d. Released because of a physical disability resulting from intentional misconduct or willful neglect;

e. Eligible for retired pay or severance pay under another provision of law (this restriction does not apply to readjustment pay);

f. Placed on a temporary disability retired list; or

g. Released to accept an appointment, or to be enlisted, in a regular component of an armed force.

### 40444. Withholding Tax

Contract cancellation pay is subject to withholding tax.

### 40445. Available to Liquidate Debts

Contract cancellation pay may be used to liquidate debts to the US Government.

## SECTION F—LUMP-SUM RESERVE BONUS

### 40451. Entitlement

**a. To Whom Payable.** A lump-sum bonus is payable to an officer who performed active service before 25 June 1948 as an officer of the Air Force Reserve or the Army Air Corps Reserve. Appointments in the AUS—Air Corps did not affect entitlement of members who were serving on active duty as Air Force Reserve Officers. To compute lump-sum payment, regard these members as continuing on active duty as Air Corps Reserve officers. If an officer separated from the Army, Navy, or Marine Corps is entitled to the bonus described in this section, under the same or comparable laws, a claim is filed as prescribed in service procedural regulations.

**b. Time of Payment.** The bonus is

payable when the officer is released from active duty. A release from active duty includes retirement for either length of service or physical disability. Air Force disbursing officers include the bonus with other separation payments, when properly supported.

## 40452. Restrictions Against Payment

**a. Selection for Regular Commissions.** Do not pay the bonus to an Air Force Reserve officer who has accepted a commission in the Regular Air Force or who has been selected for such a commission.

**b. Service Under AUS Commission.** Do not pay the bonus for service under a commission in the AUS—Air Corps or in the AUS without component (when the officer did not hold a Reserve commission), even though the service was with the Army Air Force. Any member who accepted a Reserve commission in a grade higher than the Reserve grade in which serving vacated the former Reserve commission. The bonus does not accrue from the date of acceptance if the orders stated the officer would not serve on active duty under the new appointment until so directed by competent orders. This applies even though the officer remained on active duty under the commission in the AUS—Air Corps or AUS without component.

**c. Readjustment Pay.** If a member elects to receive readjustment pay on separation, do not pay the lump-sum bonus authorized by this section. (See rules 1 and 2, table 4-4-7).

## 40453. Computation of Payment

**a. Complete Years of Service.** Compute the bonus at the rate of $500 for each complete year of active service as an Air Force Reserve or Army Air Corps Reserve officer. Do not count active service performed after 24 Jun 1948.

**b. Proration Under Certain Conditions.** Prorate the payment to include a fraction of a year unless the officer is released as a result of inefficient or unsatisfactory service, as determined by the Secretary of the Air Force. Obtain this fact from separation orders. Do not count active service performed after 24 Jun 1948.

## 40454. Payment to Heirs of Deceased Officer

**a. To Whom Payable.** If an officer covered by paragraph 40451 dies after continuous active duty for 1 or more years, the beneficiaries specifically designated as prescribed by the Secretary of the Air Force are paid the lump-sum bonus. If no beneficiary has been specifically designated and no demand is presented by a duly appointed legal representative of the deceased officer's estate, the decedent's widow or legal heirs are paid the sum in the following order of precedence:

(1) To the widow.

(2) If the decedent left no widow, or if the widow is dead at the time of settlement, then to the children or their issue, per stirpes.

(3) If none of the above, then to the father and mother in equal parts, or to the sole surviving parent.

(4) If none of the above, then to the brothers and sisters, and children of the deceased brothers and sisters, per stirpes.

**b. Computation.** The bonus to heirs of a deceased officer is computed as stated in paragraph 40453. The payment is prorated for a fraction of a year of service if the officer's death was not the result of own misconduct.

## SECTION G—MISCELLANEOUS SEPARATION PAYMENTS

**★40461. Discharge Gratuity**

See table 4-4-11.

**40462. Travel Allowance on Separation**

See JTR, paragraph M4157, and travel regulations of the service concerned.

TABLE 4-4-1

## PAYMENT OF ACCRUED LEAVE—OFFICERS AND ENLISTED MEMBERS—SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY

| RULE | A | B | C |
|---|---|---|---|
| | If a member has been on active duty for 30 or more consecutive days and | and | then accrued leave is |
| 1 | is discharged (including as a result of resignation) | separation is under honorable conditions (note 1) | payable (note 2) |
| 2 | is released from active duty (note 3) | | payable (notes 2 and 4) |
| 3 | retires | | payable (notes 2 and 5 ) |
| 4 | is transferred to Fleet Reserve or Fleet Marine Corps Reserve | | |
| 5 | is discharged for fraudulent enlistment | | not payable (note 6) |
| 6 | is released from duty because of void enlistment or void induction | | |
| 7 | is discharged from service as a cadet or midshipman at a service academy, or as a midshipman elsewhere | | |
| 8 | dies on or after 28 Aug 1965 while on active duty | member is not put to death as lawful punishment for a crime or a military offense | payable to beneficiary with other unpaid pay and allowances as prescribed in section B, chapter 5, part four (note 7) |
| 9 | dies after retirement or discharge | | (See para 40405b) |

|  |  |  |  |
|---|---|---|---|
| **10** | is discharged before completing 6 months' active duty | separation is for unsatisfactory performance or misconduct for any reason set forth in paragraph 40401c. | not payable. |

NOTES:

1. If member is discharged or relieved from active duty because of expiration of term of service (ETS), and is under investigation as an alleged security risk, do not pay accrued leave until investigation is completed and the character of the discharge determined. If discharge is under honorable conditions, accrued leave may then be paid.

2. The period when a member is home awaiting further orders in connection with physical evaluation board proceedings is charged as leave, to the extent that leave is available, beginning with the day after member arrives home or the day after constructive travel time ends, whichever is earlier. Limit payment to accrued leave remaining at time of retirement or discharge (see note 4 for exception). Authorized absence under these circumstances in excess of accrued leave is not chargeable as leave.

3. A period of active duty as a Reserve or National Guard member meets the 30-day requirement if it covers 30 or more consecutive days, even though it may be directed by more than on order covering unrelated duties.

4. If a Reserve member is entitled to pay and allowances during a disability period after a specified tour of active duty has expired, the period after that expiration date is not included in the period for which accrued leave is paid.

5. Member may not take accrued leave in lieu of payment beyond the effective date of retirement.

6. This rule does not apply when an individual inducted or enlisted into the service is discovered by service medical authorities to have been medically unfit for induction at the time of entrance into the service and such individual is released from military control for such reason.

7. Accrued leave is payable retroactive to 28 Feb 1961 for a member in a missing status whose death is prescribed under paragraph 40305. Payment is made according to paragraph 40309.

TABLE 4-4-2

### PAYMENT OF ACCRUED LEAVE—OFFICERS—SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | If | has been on active duty for 30 or more consecutive days and is | and | than accrued leave is |
| 1 | an officer of any service | retired | immediately reenters on active duty | not payable. |
| 2 | | separated, on a day other than the end of the specified period of active duty, for the purpose of reentering on active duty in any status within any uniformed service | | not payable (note 1). |
| 3 | | transferred to a different service by separation and immediate reappointment | immediately enters on active duty with the other service | not payable (note 1). |
| 4 | an officer of any service | separated for having failed selection to a higher grade | immediately reenters on active duty in an enlisted status | payable (note 2). |
| 5 | a Reserve officer of any service | released from active duty under honorable conditions under 10 U.S.C. 681 or similar laws authorizing release of Reserve officers at convenience of Government, not for the purpose of reentering active service. | immediately reenters on active duty (including active duty in enlisted or warrant officer status for the purpose of retirement) | payable. |
| 6 | | released from active duty under honorable conditions at end of a specified period of time he agreed to serve or was obligated to serve | immediately reenters on active duty | payable. |

|  |  |  |  |  |
|---|---|---|---|---|
| 7 | a commissioned officer of any service, who simultaneously holds a warrant officer appointment | released from active duty as a commissioned officer | reverts to warrant officer status and continues on active duty | not payable. |
| 8 | a temporary officer of the Navy or Marine Corps whose enlistment has expired | reverted to enlisted status and simultaneously discharged | immediately reenlists | payable at rate of pay of rank held at time of reversion. |

NOTES:
1. When transfer is to or from the Public Health Service, accrued leave is payable and will be paid by the service effecting the separation.

★ 2. Officers, who after notification of an impending discharge, resign for the purpose of continuing a military career are not entitled to payment of accrued leave.

TABLE 4-4-3

PAYMENT OF ACCRUED LEAVE—ENLISTED MEMBERS—SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY

| RULE | A | B | C | D |
|---|---|---|---|---|
| | **If an enlisted member** | **has been on active duty for 30 or more consecutive days and** | **and** | **then accrued leave is (note 1)** |
| 1 | of any service | is separated under honorable conditions upon expiration of enlistment or is released from active duty under honorable conditions at the end of a specified period of time the member agreed to serve or was obligated to serve (notes 2, 4 and 5) | immediately reenlists or immediately reenters on active duty | payable. |
| 2 | | is separated before expiration of normal term of service or obligated period of duty for the specific purpose of enlisting or reenlisting (note 3) | | not payable. |
| 3 | | is discharged for the purpose of enlisting or accepting a commission or appointment as a warrant officer in any uniform service | | |
| 4 | | enlistment is extended | | go to table 4-4-4. |
| 5 | | extension of enlistment is canceled before or during service under the extension | | |

|  |  |  |  |  |
|---|---|---|---|---|
| 6 |  | is retired | continues on or is recalled to active duty | not payable. |
| 7 |  | accepts an appointment as a cadet or midshipman without being discharged from enlisted status | enters on duty as a cadet or midshipman | payable as though member were discharged on day before date appointment was accepted. |
| 8 | inducted under the Universal Military Training and Service Act, or enlisted in the Regular Army under that act | is separated under honorable conditions at the end of the period member is required to serve | immediately enlists or reenlists | payable. |
| 9 | of the Army or Air Force who has more than 20 but less than 30 years' service | is retired and transferred to the Reserve component of member's service | is immediately ordered into active service | not payable. |
| 10 | of the Navy or Marine Corps | is transferred to the Fleet Reserve or Fleet Marine Corps Reserve | continues on active service without a break in active service |  |

NOTES:

1. Effective 14 July 1976 a member may elect a combination of cash settlement and carry over of accrued leave to a new period of service. Payment may not be made for any leave the member elects to have carried over. On and after 10 Feb 1976, a member may be paid for a maximum of 60 days of accrued leave during military career.

2. A member is considered as discharged upon expiration of enlistment if discharged not more than 3 months before the normal expiration date of the enlistment. (Effective 2 Jan 1968.) The date of normal expiration of enlistment is excluded in computing the 3-month period.

3. A member is not considered as having been discharged for the purpose of enlisting or reenlisting if discharge occurs not more than 3 months before the normal expiration date of the extension period. (Effective 2 Jan 1968). The date of normal expiration of the extension period is excluded in computing the 3-month period.

4. An extension of the active duty obligation does not create an entitlement under this rule.

5. A reserve member who is discharged for the purpose of immediately reenlisting in the regular component or reserve component of the same service before the end of a specified period of time member agreed to serve or was obligated to serve is considered as discharged upon expiration of enlistment only if the date of release is not more than 3 months before the normal expiration date of the reserve enlistment under which the active service is being performed (Effective 2 Jan 1968). The date of normal expiration of enlistment is excluded in computing the 3-month period.

TABLE 4-4-4

PAYMENT OF ACCRUED LEAVE—ENLISTED MEMBERS—EXTENSION OF ENLISTMENT: DISCHARGE AND REENLISTMENT BEFORE EXTENSION IS COMPLETED

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | If an enlisted member of | has been on active duty for 30 or more consecutive days and | and member | then accrued leave is (note 1) |
| 1 | any service | enlistment is involuntarily extended | continues on active duty in extension period | not payable until discharge. |
| 2 | | voluntarily first extends enlistment, regardless of duration of extension | | payable on day before effective date of extension (Leave accrued during extension is paid on discharge after extension is completed). (note 2). |
| 3 | any service, whose enlistment has been involuntarily extended | is separated under honorable conditions upon expiration of the involuntary extension of enlistment | immediately reenlists | payable. |
| 4 | | is separated under honorable conditions, before extension period expires, for purpose of reenlisting | | |

|  |  |  |  |  |
|---|---|---|---|---|
| 5 | any service, who has voluntarily extended his enlistment | extension is canceled before service under it begins and member is discharged under honorable conditions, at normal expiration of enlistment (note 3) |  | payable. |
| 6 |  | extension is canceled after service under it begins and member is discharged under honorable conditions, for purpose of reenlisting (note 4) |  | not payable. |

NOTES:

1. Effective 14 Jul 1976 a member may elect a combination of cash settlement and carry over of accrued leave to a new period of service. Payment may not be made for any leave the member elects to have carried over. On and after 10 Feb 1976, a member may be paid for a maximum of 60 days of accrued leave during his military career.
2. No payment can be made on second or subsequent extensions.
3. A member is considered as discharged upon expiration of enlistment if discharged not more than 3 months before the normal expiration date of the enlistment. (Effective 2 Jan 1968.) The date of normal expiration of enlistment is excluded in computing the 3-month period.
4. A member is not considered as having been discharged for the purpose of reenlisting if discharge occurs not more than 3 months before the normal expiration date of the extension period. (Effective 2 Jan 1968.) The date of normal expiration of the extension period is excluded in computing the 3-month period.

TABLE 4-4-5

COMPUTATION OF ACCRUED LEAVE PAYMENT (note 6)

| R U L E | A | B | C | | | |
|---|---|---|---|---|---|---|
| | If member is entitled to accrued leave payment under table 4-4-1, 4-4-2, 4-4-3, or 4-4-4, and is an | and member has | then compute payment for the number of days accrued leave, but not more than 60 in a military career, to include: (note 1) | | | |
| | | | Basic Pay (note 2) | BAS (note 6) | BAQ (note 6) | Personal Money Allowances (note 6) |
| 1 | enlisted member in pay grades E-5 to E-9 | dependents (note 3) | at rate applicable on date of separation (note 4) | 70 cents per day | $1.25 per day | none. |
| 2 | | no dependents | | | none | |
| 3 | enlisted member in pay grades E-1 to E-4 | | | | none | |
| 4 | officer | dependents (note 3) | | at rate applicable on date of separation (prorate for number of days of accrued leave) | at rate applicable for member with dependents on date of separation (notes 4 and 5) | if officer was receiving this allowance on date of separation (limited to allowances listed in Ȼhapter 7, part three). Compute at rate payable on that date (note 4). |
| 5 | | no dependents | | | at rate applicable for member without dependents on date of separation (notes 4 and 5) | |

NOTES: 1. When the final leave balance includes a one-half day total, compute the amount to be paid by crediting the member with one-half of a day's entitlement. Round the total to the nearest penny.

2. Do not include in basic pay the 25 percent increase authorized certain Navy and Marine Corps members retained beyond normal ETS.

3. A dependent on active duty is not considered a dependent in determining right to BAQ.

4. Date of separation is date of discharge, release from active duty, transfer to Reserve, or death; day before effective date of retirement; day before date of appointment as cadet or midshipman; or day before effective date of extension of enlistment.

5. Pay BAQ even though the member is not receiving BAQ on date of separation because public quarters are occupied or available.

6. Cash settlement of leave accrued as of 31 Aug 1976 will be on the basis of basic pay, BAS, BAQ, and PMA as appropriate. Cash settlement of leave accrued on and after 1 Sep 1976 will be on the basis of basic pay only for all grades, officer and enlisted. See paragraph 40402 for example.

*TABLE 4-4-6

SEPARATION PAY ENTITLEMENT AND COMPUTATION

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **If a member is** | **and is involuntarily discharged or released from active duty because of** (note 1) | **then pay separation pay computed at** | **but not more than** |
| 1 | an officer (Notes 2 & 3) | failure to be selected for promotion (note 4) | 10% of 12 months' basic pay multiplied by years and fractions of a year based on additional full months of active service | $30,000 |
| 2 | a warrant officer separated during the 3-year probationary period | failure to be selected for promotion | | |
| 3 | a warrant officer | second failure to be selected for promotion and does not enlist or the request to enlist is denied and is not retained on active duty in grade above W-4 | | |
| 4 | a Reserve member | non-selection for an additional tour of active duty for which member volunteered unconditionally | | |
| 5 | a chaplain | failure to maintain professional qualifications | | |
| 6 | a Reserve member | separation at any time prior to the completion of a specified period of active duty or an indefinite period of active duty except separations for reasons shown in rules 7 and 8 and paragraphs 40413a(9) through (12). | | |

|  |  |  |  |  |
|---|---|---|---|---|
| 7 | an officer or Reserve enlisted member (note 5) | substandard performance of duty, moral or professional dereliction, unfitness or unsatisfactory performance, misconduct, unsuitability, homosexuality, personal abuse of drugs other than alcoholic beverages, inability to perform prescribed duties, repetetive absenteeism, nonavailability for worldwide assignment as a result of parenthood, or retention s not consistent with the interest of national security | one half of 10% of 12 months' basic pay multiplied by years and fractions of a year based on additional full months of active service. | $15,000 |
| 8 | an officer | written notification that a board of officers has determined that officer must show cause for retention and who subsequently requests discharge or release from active duty |  |  |

NOTES:

1. Includes member's acceptance of an earlier release before the scheduled involuntary separation date, as directed by the Secretary of the service concerned.

2. Includes a regular commissioned officer with less than 5 years' commissioned service.

3. Includes a regular officer continued on active duty pursuant to 10 U.S.C. 637(a) or a Reserve officer continued on active duty after failure to be selected for promotion, upon expiration of the period of continuation on active duty or upon separation if continuation is declined.

4. Includes officers not found qualified for promotion to grade of first lieutenant or lieutenant (JG).

5. A warrant officer who is eliminated for unfitness or unsatisfactory performance of duty and elects to enlist is not entitled to separation pay.

*TABLE 4-4-7

ENTITLEMENT TO READJUSTMENT PAY (note 1)

| | A | B | C | D |
|---|---|---|---|---|
| R U L E | **If a reserve member (or a member of the USA or USAF without component (temporary)) who has completed immediately before separation at least 5 years of continuous active duty, is (notes 2 and 8)** | **and** | **and** | **then readjustment pay is (note 9)** |
| 1 | involuntarily released from active duty for reason other than moral or professional dereliction (see table 4-4-8 for rulings on whether separation is "involuntarily release") | is not eligible for separation pay based on military service, under any other law except 10 USC 680 (note 3) | | payable. |
| 2 | | is immediately eligible for separation pay based on military service under some other law except USC 680 (note 3) | elects to receive readjustment pay (note 4) | payable. |
| 3 | | | elects to receive other separation pay | not payable. |
| 4 | | is eligible for separation pay under 10 USC 680 because of separation before end of active duty agreement under 10 USC 679 | | payable. |

| | | | | |
|---|---|---|---|---|
| **5** | | **is immediately eligible for retired or retainer pay based solely on military service (including retired pay under chapter 67, Title 10 USC for non-regular service) (note 6)** | | **not payable.** |
| **6** | | **is eligible for VA disability compensation** | | **payable, but VA will deduct from future VA compensation (paragraphs 40414b and 40422d).** |
| 7 | release from active duty because of moral or professional dereliction (note 5) | | | not payable |
| 8 | released from active duty at own request (note 7) | | | not payable |
| 9 | released from active duty upon completion of a specific tour of active duty | volunteers for an additional tour of active duty in keeping with current directives | is not accepted for the additional tour | payable |
| 10 | | volunteers for a shorter period of active duty than permitted in current directives | | not payable |
| 11 | | volunteers for a period of active duty contingent on assignment to certain type of duty or location, or being tendered specific type of contract | | not payable |

NOTES:

1. Members entitled to readjustment pay under section C and separation pay under section B may not receive both, but shall elect which they will receive.
2. A period of active duty is continuous if it is not interrupted by a break in service of more than 30 days. Paragraph 40415 tells how to compute the 5-year active duty period.
3. "Separation pay" means an amount paid in connection with separation from the service when the person's military status is terminated. This includes payments under sections B, C, D, and F.

4. A member may elect to receive either readjustment pay or other separation pay (as defined in note 3), but not both. A member who elects to receive readjustment pay may not later change the election to receive other separation pay.

5. A member dismissed or discharged as a result of trial by court-martial, dropped from the rolls of the service concerned, or administratively discharged under other than honorable conditions is presumed to be separated because of moral or professional dereliction. An honorable discharge or a discharge under honorable conditions is presumed to be not due moral or professional dereliction unless the Secretary of the service concerned determines it to be such. Do not pay readjustment pay until character of discharge is determined.

6. If eligible for voluntary retirement under 10 U.S.C 3911 or 8911, a member is not entitled to readjustment pay even though an election is made not to retire concurrently with involuntary release from active duty.

7. Disapproval of a Reserve officer's request to withdraw an application for separation will not change the release from "voluntary" for consideration of entitlement to readjustment pay.

8. Readjustment pay is not payable upon release from active duty for training or full-time training duty.

★9. With respect to members discharged or released on or after 19 Oct 1984, the member is not entitled to readjustment pay if the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay.

TABLE 4-4-8

## RULES FOR DETERMINING WHETHER SEPARATION IS INVOLUNTARY RELEASE FROM ACTIVE DUTY (note 1)

| RULE | A | B | C | D |
|---|---|---|---|---|
| | If a reserve member is | and | then separation is | and |
| 1 | involuntarily released from active duty as a reserve officer | immediately enlists in the regular component of any service, or enters on active duty as a regular or reserve officer in the same or a different service | an actual involuntary release from active duty, regardless of reentry on active duty | entitlement in readjustment pay is determined under table 4-4-7. |
| 2 | a commissioned officer serving in dual status and is released from active duty as a reserve commissioned officer | reverts to a regular warrant officer status | not an actual release from active duty | readjustment pay is not authorized. |
| 3 | serving under a temporary appointment as a reserve commissioned or warrant officer and the appointment is terminated | reverts to a permanent reserve enlisted or warrant officer status without a break in service | | |
| 4 | granted release from active duty at member's request, before completion of tour of duty | requests release after offer to serve another tour of active duty was denied | at member's own request | |
| 5 | released from active duty upon reaching the mandatory age limit of 60 | does not offer to serve another tour of active duty | an involuntary release from active duty | entitlement to readjustment pay is determined under table 4-4-7. |
| 6 | | offer to serve another tour of active duty is denied | | |

|  |  |  |  |  |
|---|---|---|---|---|
| 7 | a female officer and is involuntarily released from active duty for reasons of pregnancy or minor children | separation is under approved recommendation of board of officers (note 2) |  |  |

NOTES:

1. This table reflects Comptroller General's decisions on what constitutes "involuntary release from active duty." Do not consider the table all-inclusive.

2. A female officer may waive a hearing before the board without affecting her right to readjustment pay—the separation is still considered involuntary.

TABLE 4-4-9

COMPUTATION OF READJUSTMENT PAY

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | **If readjustment pay is authorized under table 4-4-7 and separation is** | **compute readjustment pay on basis of** | **multiplied by years of active service** | **but do not pay more than** | **and reduce by** |
| 1 | for any reason other than stated in rules 2 and 3 below | 2 months' basic pay of grade in which member is serving when separated | but not over 12 computed under para 40415 | 2 years' basic pay or $15,000 whichever is less | (a) Mustering-out pay previous received, and<br>(b) prior readjustment payments, unless they are refunded (note 1). |
| 2 | because performance of duty falls below standards prescribed by the secretary of the department concerned (note 2) | one-half month's basic pay of grade in which member is serving when separated | but not over 18, computed under para 40415 | 9 months' basic pay or $15,000, whichever is less | |
| 3 | because retention is not clearly consistent with interests of national security (note 2) | | | | |

NOTES:
1. When prior readjustment payment is refunded, consider the period covered by the previous payment as a period for which no payment has been made.
2. See administrative regulations of the service concerned to determine whether separation is in this category.

★TABLE 4–4–10

SEVERANCE PAY ENTITLEMENT (OTHER THAN DISABILITY) AND HOW TO COMPUTE IT (Note 1)

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | If a member is | and is discharged because | then pay severance pay computed at (note 6) | multiplied by (note 2) | but do not pay more than |
| 1 | a regular commissioned officer of any service | of failure of selection for promotion to grade 0–3 or above | two months' basic pay of grade held at time of discharge | years of service, but not more than 12 (note 3) | two years' basic pay or $15,000, whichever is less. |
| 2 | a woman officer of the regular Navy or regular Marine Corps in grade 0–2 | she is not on a promotion list and has completed 7 years of active commissioned service in the Navy or Marine Corps (note 5) | | years of active commissioned service in the Navy or Marine Corps (note 3) | |
| 3 | a woman officer of the regular Navy or regular Marine Corps in grade 0–3 | she is not on a promotion list and has completed 13 years of active commissioned service in the Navy or Marine Corps | | 12 (note 3) | two years' basic pay or $15,000, whichever is less. |
| 4 | an ensign in the Navy or a second lieutenant in the Marine Corps | found not professionally qualified upon reexamination for promotion | | years of active commissioned service in the Naval service, but not more than 6 (note 4) | one year's basic pay. |
| 5 | a regular commissioned officer of the Army or Air Force | of substandard performance of duty | one month's basic pay of the grade held at time of discharge | years of active commissioned service but not more than 12 (note 3) | |
| 6 | an officer of the Navy or Marine Corps with | of unsatisfactory performance of duty, as de- | two months' basic pay of grade held at time of | years of service, but not more than 12 (note 3) | two years' basic pay or $15,000, whichever is less. |

| | | | | | |
|---|---|---|---|---|---|
| | less than 20 years' service | termined by selection board | discharge | | |
| 7 | | of unsatisfactory performance of duty, as determined by board in connection with temporary promotion in time of war or National emergency | | years of service, but not more than 6 (note 3) | one year's basic pay. |

| | | | | | |
|---|---|---|---|---|---|
| 8 | a regular commissioned officer of the Army or Air Force | of moral or professional dereliction or in the interests of National security | 1 month's basic pay of the grade held at time of discharge | years of active commissioned service, but not more than 12 (note 3) | 1 year's basic pay. |
| 9 | an officer of the Navy or Marine Corps | found not qualified, from cause arising from own misconduct, upon reexamination for promotion | 1 month's basic pay of grade held at time of discharge | number of months stated in separation orders. | |
| 10 | a regular warrant officer of any service | of failure of selection for promotion, and he does not enlist or is not retained on active duty in the commissioned grade in which serving | 2 months' basic pay of grade held at time of discharge | years of active service, but no more than 12 (note 3) | 2 years' basic pay or $15,000, whichever is less. |
| 11 | a regular warrant officer of any service, who has more than 3 years' active service since original permanent appointment as a regular warrant officer | of unfitness or unsatisfactory performance of duty, and he does not enlist | 1 months' basic pay of grade held at time of discharge | | 1 year's basic pay. |

NOTES:

1. Members entitled to severance pay under section C and separation pay under section B may not receive both, but shall elect which they will receive.
2. Service administrative regulations govern computations of years' service for purposes of severance pay.
3. Count a fraction of a year that is 6 months or more as a full year. Disregard a fraction of a year that is less than 6 months. For Navy or Marine Corps officers, only years of commissioned service apply.
4. Count whole years only. Disregard any fraction of a year.
5. An officer retains entitlement to severance pay if discharged at her request at any time during the fiscal year in which she fails to appear on a promotion list and will have completed 7 years of active commissioned service.

★6. With respect to members discharged or released on or after 19 Oct 1984, the member is not entitled to severance pay if the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay.

**TABLE 4-4-11**

**ENTITLEMENT TO DISCHARGE GRATUITY**

| R U L E | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| | **If** | **is** | **and** | **and** | **and** | **then** |
| 1 | an enlisted member of any service | a prisoner released from confinement in military or contract prison to parole pending completion of appellate review | | | has less than $25 in possession | pay the member the difference between funds in possession and $25. (notes 1 and 2) |
| 2 | | discharged for fradulent enlistment | discharge is not for returning member to another branch of the armed forces on account of absence without authority from that branch | the member is present to receive the discharge | | |
| 3 | | discharged under other than honorable conditions | | | | |
| 4 | | discharged from active duty because of void enlistment | enlistment is void because contracted when member was under age | | | |

TABLE 4-4-11 (Continued)

ENTITLEMENT TO DISCHARGE GRATUITY

| R U L E | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
|  | **If** | **is** | **and** | **and** | **and** | **then** |
| 5 | an enlisted member of any service | discharged from active duty because of void enlistment | enlistment is void because contracted when member was mentally incompetent | the member is present to receive the discharge | has less than $25 in possession | do not pay a discharge gratuity. |
| 6 |  | discharged for minority with pay and allowances payable through date of discharge |  |  |  |  |

NOTES:
1. Entitlement for rules 1 and 2 only exists if provided for in the annual FY DOD Appropriations Acts.

2. Funds in the member's possession include personal funds and any item paid at the time of discharge or release, excluding mileage and cash advanced incident to furnishing transportation in kind.

# CHAPTER 5

# PAYMENTS ON BEHALF OF DECEASED MEMBERS

## SECTION A—DEATH GRATUITY

### 40501. Members for Whom Payable

Death gratuity will be paid, regardless of whether death occurred in the line of duty or was the result of member's misconduct, to eligible beneficiaries of the following (except a temporary member of the Coast Guard Reserve):

a. Member who dies while on active duty or while traveling to or from such duty.

b. Member, or former member, who dies during the 120-day period beginning on the day following date of discharge or release, under honorable conditions, from active duty (including retirement for either disability or length of service). In this case, the Administrator of Veteran's Affairs must determine that death resulted from disease or injury incurred or aggravated while the member was on active duty or while in authorized travel status to or from such duty.

c. Any person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training) in the military service, who has been ordered or directed to go to that place, and who:

(1) Has been provisionally accepted for that duty; or

(2) Has been selected, under the Military Selective Service Act, for duty in that military service.

d. Member whose death is determined by administrative finding under the Missing Persons Act.

e. Reserve member who dies from an injury incurred while traveling directly to or from active duty.

f. Any member of a Reserve officers' training corps who dies while performing annual training duty under orders for a period of more than 13 days or while performing authorized travel to or from that annual training duty; or any applicant for membership in a Reserve officers' training corps who dies while attending field training or a practice cruise or while performing authorized travel to or from the place where the training or cruise is conducted.

### 40502. Definitions.

**a. Active Duty.** Active duty is full-time duty in the active service of a uniformed service, including active duty training (full-time training duty, annual training duty, and attendance while in the active service, at a school designated as a service school by law or by the Secretary concerned). (Exception to this definition is noted in the pertinent subparagraph of 40501.)

**b. Member.** A member of the military service is a person appointed, enlisted, or inducted into a branch of the military services, including Reserve components, and cadets or midshipmen of the service academies.

**c. Reserve Components.** Reserve components are the following: The Army National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service.

### 40503. Eligible Beneficiaries

See table 4-5-1.

### 40504. Determining Eligible Beneficiaries

When officially notified that a member of his command has died, the commanding officer maintaining the member's personnel or service records determines if an eligible death gratuity beneficiary exists in the categories shown in table 4-5-1. Legal assistance officers help in cases involving a question of law. Use the following evidence to establish if an eligible beneficiary exists:

**a. Lawful Spouse:**

(1) Entitlement to BAQ or evidence of assignment of Government quarters to a member and spouse, or

(2) In the absence of (1) above, documentary evidence of marriage and proof of termination of any prior marriage of either the beneficiary or decedent.

**b. Children.** If a decedent is survived by a child or children, but no spouse:

(1) Documentary evidence showing termination of any marriage, including a certified copy of the spouse's death certificate, divorce, or annulment decree.

(2) Entitlement to BAQ for a child or children, or evidence of occupation of Government quarters with the member before member's death, or

(3) In the absence of (2) above, base eligibility of child or children upon documentary proof of relationship, including:

(a) The original or certified copy of the original birth certificate, or

(b) A certified court order of adoption in the case of a legally adopted child.

(4) A certified copy of the appointment paper if a guardian of a minor child, or children, has been appointed by a court (as distinguished from being awarded physical custody).

(5) If death gratuity is in excess of $1,000, payment for a minor child may be made to the parent, including an adoptive parent, as natural guardian when all of the following conditions exist:

(a) A legal guardian has not been appointed,

(b) The parent has custody of the minor child,

(c) A statute of the State where the minor child and parent reside provides a means of obtaining a good acquittance and all statutory requirements have been met, and

(d) The parent has submitted a notarized statement, indicating the State statute involved, the facts bringing payment to the parent, and the parent understands the requirements of the statute.

(6) The relationship between a member and his stepchild survives the end of the marriage from which it arose if close family ties have continued in fact. If such a relationship was created by a marriage ended by death, the relationship continues in the absence of evidence to the contrary. If the marriage ended by divorce, as distinguished from death, the relationship ends unless clear and convincing evidence is furnished showing continuance of close family ties and intention to continue the prior relationship.

**c. Designated Beneficiaries.** If the decedent is not survived by a spouse or child and has officially designated a father, mother, brother, or sister to receive death gratuity, no further evidence is necessary, except in "in loco parentis" cases. The beneficiary, however, must furnish:

(1) Documentary evidence that any marriage entered into by the decedent has been terminated, and

(2) A statement, witnessed by two individuals, that there are no living children. In "in loco parentis" cases, entitlement to BAQ for that person is sufficient evidence. If this relationship has not been established, the finance center of the service concerned will make the determination.

**d. Mentally Incompetent Beneficiary.** If the beneficiary is mentally incompetent, a photostat or certified copy of the court order appointing a guardian, trustee, committee, or other such person is required.

**e. Will Not a Designation.** A will is not a legal designation for death gratuity, since such payment is not money or debt due the member and cannot become part of his estate.

## 40505. Determinations Affecting Entitlement

**a. Death as Lawful Punishment.** Death gratuity is not payable in the case of a member whose death is the result of a lawful punishment for a crime or military offense, except when such death was inflicted by any hostile force with which the armed forces of the US had engaged in armed conflict.

b. **Member Killed by Beneficiary.** Death gratuity is not payable to a beneficiary or survivor who kills a member, unless there is evidence which clearly absolves such beneficiary or survivor of any felonious intent.

c. **Unauthorized Absence or Desertion:**

(1) **Absence Without Leave (AWOL) or Absence Over Leave (AOL).** Death gratuity is payable in the case of a member whose death occurs while he is in an unauthorized absence status (AWOL or AOL), including in custody of civil authorities, provided the date of death is prior to his normal expiration of contracted duty.

(2) **Desertion.** Death gratuity is not payable in the case of a member who is a declared deserter at the time of his death, unless it is later found that the declaration was in error.

### 40506. Amounts Payable

a. **General.** The death gratuity equals 6 months' basic pay plus incentive and special pays (including proficiency and hostile fire pay) at the rate to which the decedent was entitled on date of death, but not less than $800 nor more than $3000. For Navy and Marine Corps members, death gratuity will also include the 25 percent increase in basic pay authorized personnel serving on a naval vessel in foreign waters who are retained beyond their obligated active service because their services are essential to the public interests.

(1) The amount of death gratuity payable on behalf of members specified in para 40501b is based on the rate of pay the decedent was entitled to on his last day of active duty.

(2) The amount of death gratuity payable on behalf of members specified in para 40501c is based on the rate of basic pay of the grade which the member would have received upon final acceptance or entry upon active duty.

(3) The amount of death gratuity payable on behalf of members specified in para 40501d is based on the rate of pay to which the member was entitled on the date on which he was declared dead. The promotion of a member while in a missing status is effective for death gratuity payment purposes, even though a Secretarial determination is later made that the member died before the date of promotion. Posthumous promotions are not effective for purposes of determining death gratuity (para 10205).

b. **Inclusion of Special and/or Incentive Pay in Death Gratuity:**

(1) If a member entitled to special and/or incentive pay dies before he has met the performance requirements for such duty (if any), include such items in the death gratuity payment. However, enough time must remain in the performance qualification periods for the particular duty, as prescribed in parts one and two, for the member to have satisfied such requirements.

(2) Do not include incentive pay in the gratuity if the member died while suspended from such duty, since he is not entitled to incentive pay while so suspended.

c. **Exemption from Indebtedness.** Do not use death gratuity payment to satisfy indebtedness (including overpayments).

### 40507. Expediting Payments

Immediate payment of death gratuity (within 24 hours, if possible) will be made when the eligible beneficiary can be determined and there is no doubt as to propriety of payment.

### 40508. Responsibility for Payment of Death Gratuity

★a. Death gratuity is payable on behalf of members who die while on extended active duty, or while traveling to or from such duty, as shown in table 4-5-2 (Army), table 4-5-3 (Marine Corps), table 4-5-4 (Air Force), and table 4-5-5 (Navy), or as specified in applicable cross-servicing regulations.

b. The finance center of the service concerned pays death gratuity under circumstances described in para 40501b, c, and d.

### 40509. Erroneous Payment

An erroneous payment of death gratuity is one made to a person clearly not entitled to it because of administrative error, rather than because of statements of record made by the member.

a. Make second payment to the rightful beneficiary when the error resulted from improper maintenance of records or administrative negligence. Do not delay this payment pending recovery of the erroneous payment from the ineligible recipient.

b. Do not make a second payment of death gratuity to a different person if the original payment was based on statements of record made by the member, and the Government has no reason to doubt the beneficiary's status was as stated.

## SECTION B—SETTLING DECEASED MEMBERS' ACCOUNTS

### 40511. General

This section contains the authority for payment of any unpaid pay and allowances due on behalf of members who die while on extended active duty. "Unpaid pay and allowances" here includes:

★a. Pay and allowances due and unpaid at death, including settlement of accrued leave (subject to limitation in paragraph 40401, unless paragraph 40309 applies) when death occurs on or after 28 Aug 1965;

b. Amounts due for travel, per diem, transportation of dependents, and shipment of household goods;

c. Member's savings deposits and interest thereon;

d. Any remaining installments of variable reenlistment bonus (VRB) and selective reenlistment bonus (SRB); and

e. Proceeds of any checks for items a through d *above*, unnegotiated by the member before death.

### 40512. Entitlement

a. Upon official notification of the death or finding of death, any amounts due the decedent are paid the person(s) determined to be the eligible beneficiary or beneficiaries.

b. Any payments made under this section bar their recovery by any other person.

c. When a minor child, otherwise eligible, is a designated or nondesignated beneficiary and a guardian has been appointed by a court (as distinguished from being awarded physical custody), a certified copy of this appointment paper is required.

### 40513. Designated Beneficiary

Current laws allow a member to designate anyone, related or not, to receive member's unpaid pay and allowances upon death. Designation of a beneficiary for unpaid pay and allowances must have been executed by the member and filed in accordance with regulations governing such designations. When more than one beneficiary has been named, the percentages specified by the member govern payment. If no percentages have been specified, payment will be divided equally among designated beneficiaries.

### 40514. Nondesignated Beneficiary

a. **Order of Precedence.** In cases of deceased members who have not designated a beneficiary, the following rules apply in determining the order of precedence:

(1) The widow or widower of a member;

(2) If there is no surviving spouse, to the child or children of the member and descendents of deceased children, by representation;

(3) If none of the above, to the parents of the member, in equal shares, or to the surviving parent;

(4) If none of the above, to the duly appointed legal representative of the member's estate; or

(5) If none of the above, to the person(s) determined to be entitled under the laws of the State in which the member was domiciled.

b. **Adopted Child.** An adopted child is a legal heir in every State and is, therefore, entitled to payment of unpaid pay and allowances, if otherwise proper. If the deceased member's child is adopted by others, the child is a beneficiary only in those States where an adopted child inherits from its natural father.

c. **Stepchild.** A stepchild is not an eligible beneficiary, unless adopted by the deceased member.

d. **Illegitimate Child.** An illegitimate child may not be paid unpaid pay and allowances of a deceased member, unless such child is recognized for inheritance purposes under the laws of the jurisdiction involved.

### 40515. Responsibility for Settlement of Accounts

Accounts of deceased members are settled as prescribed in the procedural instructions of the service concerned.

**Table 4-5-1**

**ELIGIBLE BENEFICIARIES—DEATH GRATUITY**

| RULE | A<br>Death gratuity is payable to, or for, the living survivor(s) of the decedent first listed below (notes 1 and 2) | B<br>which is defined as |
|---|---|---|
| 1 | lawful spouse | a man or woman legally married to a member at the time of death (note 3) |
| 2 | child, or children, without regard to age or marital status, in equal shares | a legitimate child |
| 3 | | a legally adopted child |
| 4 | | a stepchild if such child was a member of the decedent's household |
| 5 | | an illegitimate child if the father acknowledged the child in writing signed by him; or, was judicially ordered to contribute to the child's support; or, was prior to his death judicially or otherwise shown by satisfactory evidence to be the father of the child |
| 6 | a member's relatives consisting of parents, brothers, sisters, or any combination thereof as designated by the member (notes 4 and 5) | the natural father or mother |
| 7 | | the father or mother through adoption |
| 8 | | any person who stood "in loco parentis" for not less than one year at any time before the deceased member's entry into active service |
| 9 | | natural brothers and sisters |
| 10 | | brothers and sisters of half blood and those through adoption |
| 11 | surviving parent(s) in equal shares | same as provided in rules 6, 7, and 8 |
| 12 | surviving brothers and sisters in equal shares | same as provided in rules 9 and 10 |

NOTES: 1. If there are no survivors as listed in column A, death gratuity is not payable to any other person.

2. If an eligible beneficiary dies before receiving the amount to which entitled, such amount is paid to the then living survivor(s) first listed in column A.

3. A waiver by the lawful spouse is without effect and does not entitle another designee to the death gratuity payment.

4. Unless a specific percentage is shown, payment is divided equally among all designated beneficiaries.

5. Only one father or mother is recognized in any case. Give preference to the father or mother who exercised parental relationship immediately before the member's entry into active service.

**★TABLE 4-5-2**

**RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—ARMY**

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | If the member is permanently assigned | and eligible beneficiary | and the beneficiary is located in | then death gratuity is settled by |
| 1 | to a station in CONUS | has been determined to be a lawful spouse or designated natural parent(s) and there is no doubt of propriety of payment | the CONUS | 1. the FAO who has custody of the member's PFR or is the first to receive it after his death, or<br>2. a designated Survivor Assistance Officer. |
| 2 | | | an oversea area | a Survivor Assistance Officer or USAFAC. |
| 3 | | is a child or children or a designated relative(s) other than natural parent, whether or not doubtful (note 1) | the CONUS or an oversea area | USAFAC. |
| 4 | | is non-designated relative(s), cannot be determined, or claim is of doubtful propriety (note 2) | | |
| 5 | to an overseas station (including Alaska and Hawaii) | has been determined to be a lawful spouse or designated natural parent(s) and there is no doubt of propriety of payment | the CONUS | a designated Survivor Assistance Officer. |

★ TABLE 4-5-2—Continued

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—ARMY

| RULE | A | B | C | D |
|---|---|---|---|---|
| | **If the member is permanently assigned** | **and eligible beneficiary** | **and the beneficiary is located in** | **then death gratuity is settled by** |
| 6 | | is a child or children or a designated relative(s) other than natural parent, whether or not doubtful (note 1) | | USAFAC. |
| 7 | | has been determined to be a lawful spouse or designated natural parent(s) and there is no doubt of propriety of payment | the same overseas area or country, or an overseas area or country which the FAO can serve expeditiously | same as Rule 1. |
| 8 | | is a child or children or a designated relative(s) other than natural parent, and there is no doubt of propriety of payment (note 1) | | the FAO designated by the Major Army Commander of the overseas area. |
| 9 | | is non-designated relative(s), cannot be determined, or claim is of doubtful propriety (note 2) | the CONUS or overseas area | USAFAC. |

NOTES:

1. Relatives consists of a member's parents, brothers, and sisters, or any combination thereof.
2. Doubtful cases include:
   a. All cases coming under para 40505a, b, c, or any questionable cases under 40504e.
   b. Common law widow or widower.
   c. A member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
   d. Parents who stood "in loco parentis" to the member, unless this status has been determined for BAQ purposes.

★ TABLE 4-5-3

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—MARINE CORPS

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **When the CO determines that the eligible beneficiary is** | **and eligibility of beneficiary or propriety of payment is** | **and** | **and** | **then death gratuity is paid by** |
| 1 | a lawful spouse or a designated parent | not doubtful | the spouse or parent resides with the member at or near his/her duty station or in the vicinity of his home port | the disbursing officer has access to member's pay and service records | a disbursing officer afloat or ashore. (note 1) |
| 2 | | | | payment is requested by the CO of an activity located in an outlying area | the disbursing officer servicing the activity. |
| 3 | | | | member's unit is deployed, and the CO of the deployed unit requests by message that payment be made | the disbursing officer at the home port of permanent duty station of the deployed unit. |
| 4 | a lawful spouse, child or children, designated, or nondesignated relatives (note 2) | doubtful (notes 3, 4, 5, 6) | | | Mar Fin Cen (CDO) upon CMC (MHP-10 authorization. (note 7) |

**TABLE 4-5-3 (Continued)**

**RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—MARINE CORPS**

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **When the CO determines that the eligible beneficiary is** | **and eligibility of beneficiary or propriety of payment is** | **and** | **and** | **then death gratuity is paid by** |
| 5 | | not doubtful | the relative did not reside with the member at or near his/her duty station or home port | | |
| 6 | | | | payment is requested by the CO of an activity located near residence of the designated beneficiary. | the DO servicing the activity upon CMC (MHP-10) authorization. (note 7) |

NOTES:

1. Disbursing officers afloat, pay only when the ship is located in the immediate area in which the member's spouse or parent is residing.
2. Relatives consist of a member's parents, brothers or sisters, or any combination thereof.
3. Doubtful cases include "common-law widow or widower."
4. All cases coming under paragraphs 40505 and 40504e.
5. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
6. Doubtful parent cases include "in loco parentis" relationships, if a determination for BAQ purposes was not made.
7. CMC may request that payments be effected by other than a Marine Corps activity.

TABLE 4-5-4

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—AIR FORCE

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **When eligibility of beneficiary or propriety of payment is** | **and determination is made that the eligible beneficiary is** | **and** | **then death gratuity is settled by** |
| 1 | not doubtful | a lawful spouse (notes 1 and 2); or a child or children (notes 2 and 3);<br>or<br>a designated relative (notes 2, 4, and 5) | upon receipt of notification of death (note 6) | the AFO located nearest the residence of the beneficiary (note 7). |
| 2 | doubtful | | | AFAFC. |
| 3 | not doubtful or doubtful | non-designated relative (note 4) | | |

NOTES:

1. AFAFC settles death gratuity payment to "common-law widow or widower."

2. AFAFC settles all cases coming under para 40505a, b, or c, and any questionable cases under 40504e.

3. AFAFC settles doubtful cases, including a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

4. Relatives consist of member's parents, brothers and sisters, or any combination thereof.

5. Doubtful parent cases include "in loco parentis." If this status has not been determined for BAQ purposes, AFAFC makes such payments.

6. If death occurs while a member is on a PCS move, the "losing" home installation notifies.

7. If pay data is needed to complete payment, make a partial payment in the amount of the member's 6 months' basic pay for the pay grade, but not more than $3,000 or less than $800. Contact PFR custodian for pay data to make supplemental payment, if necessary.

TABLE 4-5-5

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—NAVY

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **When the CO determines that the eligible beneficiary is** | **and eligibility of beneficiary or propriety of payment is** | **and** | **and** | **then death gratuity is paid by** |
| 1 | a lawful spouse or a designated beneficiary | not doubtful | the spouse or beneficiary resides with the member at or near member's duty station or in the vicinity of member's home port | the disbursing officer has access to member's pay and service records | a disbursing officer afloat or ashore (note 1). |
| 2 | | | | member's unit is deployed, and the CO of the deployed unit requests by message that payment be made | the disbursing officer at the home port or permanent duty station of the deployed unit. |
| 3 | a lawful spouse, child or children, designated or nondesignated relatives (note 2) | doubtful (notes 3, 4, 5 and 6) | | | NAVFINCEN Cleveland upon COMNAVMILPERSCOM authorization. |
| 4 | | not doubtful | the relative did not reside with the member at or near member's duty station or home port | | |
| 5 | | | | payment is requested by the CO of an activity located near residence of the designated beneficiary | the disbursing officer servicing the activity upon COMNAVMILPERSCOM authorization. |

NOTES:

1. Disbursing officers afloat pay only when the ship is located in the immediate area in which the member's spouse or designated beneficiary is residing.

2. Relatives consist of a member's parents, brothers or sisters, or any combination thereof.

3. Doubtful cases include "common law widow or widower."

4. All cases coming under paragraphs 40504e and 40505

5. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

6. Doubtful parent cases include "in loco parentis" relationships, if a determination for BAQ purposes was not made.

# PART FIVE

# PAYMENT OF SERVICE ACADEMY CADETS AND MIDSHIPMEN, ACADEMY OFFICIALS AND AVIATION CADETS

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# PART FIVE

# PAYMENT OF SERVICE ACADEMY CADETS, MIDSHIPMEN, ACADEMY OFFICIALS, AND AVIATION CADETS

## CHAPTER 1

## SERVICE ACADEMY CADETS AND MIDSHIPMEN

### 50101. Entitlement Provisions

Cadets at the US Military Academy, the US Air Force Academy, or midshipmen at the US Naval Academy, are entitled to pay at the monthly rate prescribed in table 1-2-5.

When rations in kind are not furnished, cadets and midshipmen are entitled to commuted rations at the daily rate established by the Secretary of the Navy. While traveling under orders, cadets and midshipmen are entitled to the travel and transportation allowances prescribed by the Secretary concerned.

### 50102. Rations

Cadets and midshipmen are entitled to rations in kind or commuted rations at the rate of $3.80 per day at all times (1 Oct 1981). This includes periods while they are at the academies, on authorized leave, sick in hospitals, and in a travel status for which a per diem is payable.

### 50103. Travel and Transportation Allowances

The travel and transportation allowances payable to cadets and midshipmen are prescribed in volume I, chapter 5, part A, Joint Travel Regulations.

### 50104. Dates To Start and Stop Pay and Allowances

See table 5-1-1.

### 50105. Foreign Cadets and Midshipmen—Pay and Allowances

Persons from Canada, the American Republics, and the Republic of the Philippines who are receiving instructions at the service academies are entitled to the same pay, commuted rations, and travel and transportation allowances as are authorized for US cadets and midshipmen. However, the mileage allowance for persons from Canada and the American Republics for travel to the academy for initial admission is not limited to mileage for travel within the US.

### ★50106. Incentive Pay and Special Pay

Cadets and midshipmen are not entitled to incentive pay for hazardous duty (HDIP) or special pay for duty subject to hostile fire (HFP) or imminent danger.

### 50107. Settlement for Unused Accrued Leave

Cadets and midshipmen are not entitled to lump-sum leave benefits.

### 50108. Taxes

The basic pay of cadets and midshipmen is subject to Federal/State withholding tax and FICA tax. Chapters 1 and 2, part seven, are applicable.

### 50109. Allotments

The service concerned determines whether cadets and midshipmen may register allotments of pay.

### 50110. Clothing and Equipment

Department Secretaries prescribe the sum to be advanced each new cadet or midshipman to cover the cost of initial clothing and equipment. If a cadet or midshipman is discharged before graduation and before the amount advanced has been collected, the cadet or midshipman shall turn in as much of the clothing and equipment of a distinctive military nature as is necessary to liquidate the balance owed. If the value of the clothing and equipment turned in does not cover the amount owed, the indebtedness shall be cancelled. The term "discharged before graduation" does not include a voluntary resignation from the academy. The uncollected portion of the amount advanced for clothing and equipment to a cadet or midshipman who resigns voluntarily from the academy, must be reported to the appropriate finance center as an unsatisfied indebtedness.

### 50111. Collection of Indebtedness

For general policies and requirements relating to collection of indebtedness, see chapter 7, part seven. Private indebtedness for services (laundry, dry cleaning, shoe repair, etc.) is not an indebtedness collectable under chapter 7, part seven.

### 50112. Continuance of Pay and Allowances

Pay and allowances continue to accrue to cadets or midshipmen while they are absent in an official missing or missing-in-action status. See chapter 3, part four. Cadets and midshipmen are also entitled to full pay while traveling under orders.

### 50113. Death Benefits

Death gratuity entitlement and settlement of unpaid pay and allowances instructions are contained in chapter 5, part four.

### 50114. Servicemen's Group Life Insurance (SGLI)

Effective 20 June 1972, cadets and midshipmen are eligible for SGLI coverage while on full-time duty as a cadet or midshipman at a service academy. See chapter 4, part seven. Details covering the administration of the SGLI program for cadets or midshipmen are contained in the pay procedural instructions of the service academy concerned.

TABLE 5-1-1

DATES TO START AND STOP PAY AND ALLOWANCES

| RULE | A | B |
|---|---|---|
| | When a cadet or midshipman | then pay and allowances |
| 1 | has been officially admitted to one of the service academies | start on the day of admission (note 1) |
| 2 | has been discharged and later reappointed to one of the service academies | were stopped on date of discharge, and start again on day of reappointment (note 1) |
| 3 | has been dismissed by sentence of court-martial | stop on the date of termination of service as specified in orders directing dismissal |
| 4 | has been dismissed from the academy by other than court-martial action before graduating | stop on date of dismissal |
| 5 | dies before graduation | stop on the date of death |
| ★6 | is appointed a second lieutenant in Army or Air Force upon graduation | stop on the day before the date of graduation |
| ★7 | is commissioned in the regular Navy or Marine Corps | stop on the day before the date of formal acceptance of appointment |
| 8 | is voluntarily placed in a leave without pay status | stop on the day before the member enters a leave without pay status. If the member is readmitted to the academy, pay and allowances start again on the day of readmission |
| 9 | is not appointed a second lieutenant in the Army immediately upon graduation | continue until the member is appointed a second lieutenant or is discharged. (note 2) |

NOTES:

1. Oath of Allegiance must be taken before first payment is made.
2. In case of appointment, active duty pay is payable from date of graduation (rule 5, table 1-2-1); therefore an adjustment is necessary between cadet pay received and active duty pay due.

# CHAPTER 2

## PAY OF SERVICE ACADEMY OFFICIALS

### 50201. General Provisions

A commissioned officer serving as an appointed official at a service academy is entitled to the pay grade and pay and allowances established by law for his position. A commissioned officer detailed as an official at a service academy is not entitled to an increase in pay and allowances because of such detail, except as provided in this chapter. A member appointed as director of music at the US Military Academy or as leader of the Naval Academy band has the pay grade prescribed for such positions by the Secretary of the Department concerned.

### 50202. Pay and Allowances

The pay and allowances authorized for academy officials are shown in table 5-2-1.

### 50203. Personal Money Allowances

The personal money allowances authorized for the Superintendent of the US Naval Academy and the Commandant of Midshipmen may be spent at their discretion for the contingencies of their positions.

### 50204. Librarian

An officer of the Regular Army, retired from active service under Section 1251, Revised Statutes, may be detailed on active duty to serve as librarian of the US Military Academy. While serving as librarian, he is entitled to the pay and allowances prescribed for his grade and years of service. Include the time spent in retirement in the computation of his cumulative years of service.

### 50205. Leave of Absence—Faculty and Other Officers

Professors, assistant professors, instructors, and other officers at either the US Military Academy or the US Air Force Academy may be granted a leave of absence for the period of suspension of the ordinary academic studies. Such leave is authorized to be granted by the superintendent concerned without deduction of pay and allowances.

### 50206. Travel and Transportation Allowances

Members serving as officials at service academies are entitled to the travel and transportation allowances prescribed in JTR, volume I, chapter 4, part A.

TABLE 5-2-1

PAY AND ALLOWANCES—ACADEMY OFFICIALS

| R U L E | A | B | | | C | D |
|---|---|---|---|---|---|---|
| | when member is serving as | At the US Military Academy | US Naval Academy | US Air Force Academy | and | then he is entitled to the pay and allowances prescribed for |
| 1 | superintendent | X | | X | | his military grade and cumulative years of service |
| 2 | | | X | | | his military grade and cumulative years of service plus a personal money allowance of $5200 per year |
| 3 | Dean of the Academic Board | X | | | | a Brigadier General with corresponding cumulative years of service |
| 4 | Dean of the Faculty | | | X | | |
| 5 | Commandant of Cadets or Midshipmen | X | | X | | his military grade and cumulative years of service |
| 6 | | | X | | | his military grade and cumulative years of service plus a personal money allowance of $800 per year |
| 7 | a permanent professor | X | | X | is serving as head of a department or has been a permanent professor for more than 6 years | a colonel with his cumulative years of service |
| 8 | | | | | is not serving as head of a department and has been a permanent professor for 6 years or less | a lieutenant colonel with his cumulative years of service (note 1) |
| 9 | | | | | has over 36 years of creditable service for pay purposes | his military grade and cumulative years of service plus additional pay of $250 per month (note 2) |

TABLE 5-2-1 (Continued)

| R | A | B | | | C | D |
|---|---|---|---|---|---|---|
| U L E | when member is serving as | At the US Military Academy | US Naval Academy | US Air Force Academy | and | then he is entitled to the pay and allowances prescribed for |
| 10 | Registrar | X | | X | has served as registrar for more than 6 years | a colonel with corresponding cumulative years of service (note 3) |
| 11 | | | | | has served as registrar for 6 years or less | a lieutenant colonel with his cumulative years of service (notes 1 and 3) |
| 12 | Director of Music | X | | | | a commissioned officer whose grade corresponds to the rank prescribed for the Director by the Secretary of the Army (note 4) |
| 13 | Band Leader | | X | | | the grade prescribed by the Secretary of the Navy (note 4) |
| 14 | the second band leader | | X | | | a warrant officer W-1 with corresponding cumulative years of service |

NOTES:

1. A permanent professor or a registrar appointed from the regular Army or the regular Air Force is entitled to the pay of a Colonel on the day after the date that a promotion list officer, junior to him on the promotion list on which his name was carried before his appointment as a professor or registrar, is promoted to the grade of regular Colonel, even though he has served as a professor or registrar for six years or less.
2. Do not use the additional pay in computation of retired pay.
3. An officer detailed to serve as registrar, who is serving in a temporary grade higher than those shown in column D, rules 10 and 11, is entitled to the pay and allowances prescribed for the higher temporary grade in which he is serving.
4. Compute the applicable number of cumulative years of service as outlined in chapter 1, part one.

# CHAPTER 3
# PAY OF AVIATION CADETS

## 50301. Authority

Aviation cadet is special enlisted grade in the Naval service. Male civilian citizens may be enlisted in the Navy or the Marine Corps as aviation cadets. Enlisted members of the Navy and Marine Corps, with their consent, may be designated as aviation cadets.

## 50302. General Entitlement Provisions

Aviation cadets are enlisted to 50 percent of the basic pay prescribed for an officer in pay grade 0-1 with 2 or less years of service. Aviation cadets are also entitled to the same basic allowance for subsistence as is provided for officers. If qualified, they are entitled to incentive pay at the rate of $50 per month. Except for subsistence, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits prescribed for enlisted members in pay grade E-4. While on active duty, aviation cadets are entitled to uniforms, clothing, and equipment at Government expense.

## 50303. Basic Pay

For active duty, pay aviation cadets basic pay at the monthly rate prescribed in table 1-2-5. Compute the amount payable as instructed in section B, chapter 2, part one.

## 50304. Basic Allowance for Subsistence

Pay aviation cadets at the monthly rate prescribed in paragraph 30121. This allowance is payable under the conditions set out in table 3-1-1, chapter 1, part three.

## 50305. Basic Allowance for Quarters

**a. Members Without Dependents.** Aviation cadets without dependents who meet one or more of the conditions described in table 3-2-3, chapter 2, part three, are entitled to BAQ at the monthly rate provided for enlisted members without dependents in pay grade E-4.

**b. Members With Dependents.** BAQ accrues to aviation cadets with dependents at the monthly rate provided for enlisted members with dependents in pay grade E-4. See paragraph 30221 and tables 3-2-4 to 3-2-8, chapter 2, part three, for conditions of entitlement.

## 50306. Incentive Pay for Aerial Flights

Incentive pay for aerial flights at the rate of $50 per month accrues to aviation cadets who meet the requirements and conditions set out in chapter 1, part two.

## 50307. Clothing Allowance

**a. Naval Aviation Cadets.** These members are entitled to the special initial clothing monetary allowance and the basic maintenance clothing monetary allowance. For rates payable and conditions of entitlement, see paragraph 30514, chapter 5, part three of this manual.

**b. Marine Corps Aviation Cadets.** Pay these members the clothing allowances prescribed in the individual clothing regulations (MCO P10120.28).

## 50308. Travel and Transportation Allowances

See volume 1, chapter 5, part F, JTR.

# PART SIX

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# PART SIX

# ALLOTMENTS OF PAY

## CHAPTER 1

## GENERAL PROVISIONS GOVERNING ALLOTMENTS OF PAY

### 60101. General

**a. Authority.** Under instructions issued by the Secretary of Defense, the personnel identified in paragraph 60104 may authorize allotments from their pay for the purposes set forth in this part.

**b. Policy.** The allotment system is provided to help service members adjust their personal and family finances to military service. It is a convenience and privilege not to be exploited or abused.

### 60102. Specialized Terms

a. Certifying Officer:

(1) Air Force. The accounting and finance officer or the appointed agent, responsible for preparing, certifying, and forwarding military pay orders, supporting papers, and allotment forms to disbursing officers.

(2) Navy. The disbursing officer responsible for registering an allotment on the military pay record. On ships without disbursing officers the commanding officer or such other officer as designated in writing, who is responsible for preparing, certifying, and forwarding allotment forms to the disbursing officer maintaining members' pay records.

(3) Marine Corps. The commanding officer (or representative) responsible for preparing, certifying, and forwarding allotment forms for enlisted members to the disbursing officer. (Marine Corps officers' allotment forms are normally prepared and certified by the disbursing officer. When this is not feasible, they are prepared, witnessed, and forwarded by the commanding officer or representative.)

b. Allotment Officer (Navy and Marine Corps). The disbursing officer of the Navy Finance Center (Allotment Department), Anthony J. Celebrezze Federal Bldg, Cleveland OH 44199, or the Commanding Officer, Marine Corps Finance Center, Centralized Pay Division (Code CPA), Kansas City MO 64197.

c. See Glossary of Terms for definitions of active duty, allotment, allottee, allotter and financial organization.

### 60103. Authorized Allotments

**a. Voluntary Allotments.** Voluntary allotments of military pay and allowances of members in active military service are limited to:

(1) Purchase of US Savings Bonds.

(2) Payment of premiums for insurance on the life of the allotter. This includes US Government Life Insurance, National Service Life Insurance, Navy Mutual Aid Insurance, Army Mutual Aid Insurance, and commercial life insurance. Allotments for insurance on the lives of an allotter's spouse or children are not authorized, except under a family group contract which primarily provides insurance on the life of the allotter and as a subordinate feature includes insurance on the lives of the spouse and children. Allotments for health, accident, or hospitalization insurance or other contracts which as an incidental feature include insurance on the life of the allotter are not authorized.

(3) Repayment of loans to Army Emergency Relief, Navy Relief Society, Air Force Aid Society, and American Red Cross.

(4) Allotments to Dependents and Relatives. The allotment may be made to a spouse, former spouse(s), other dependents, and to a relative(s) not legally designated as a dependent(s). Support allotments may be made payable directly to a court, a State agency, a court trustee, a welfare agency, or to the children's guardian or custodian. The allotment may be made payable to a financial organization for credit to the account of the allottee. The payment of such an allotment to a financial organization or association does not de-

prive a member of an allotment under paragraph (6) below.

★(5) Voluntary liquidation of debts to the US. This includes indebtedness incurred by defaulted notes guaranteed by the Federal Housing Administration or the Veterans Administration, amounts due under the Retired Serviceman's Family Protection Plan (RSFPP) by retired members serving on active duty; delinquent Federal income taxes, or any other indebtedness to the US Government, (except to the department employing the member), including debts owed to an organization for funds administered on behalf of the Federal Government and any such debts assigned to a collection agency. Indebtedness to nonappropriated funds, such as clubs, messes, and exchanges, is not included.

(6) Payment to a financial organization for credit to the account of the allotter. Money thus credited may be used for any purpose desired and directed by the allotter. No more than two such allotments are allowed for any member. Only one such allotment, to the same allottee, is authorized for any service member.

(7) Repayment of loans for the purchase of a home, mobile home, or house trailer used as a residence by the allotter. Repayment of loans for business purposes or for additions or improvements to homes, mobile homes, or house trailers are not authorized. Allotments under this paragraph are in addition to those authorized under paragraph (6) above. Only one allotment under this paragraph is allowed for any service member.

(8) Payment for pledges for charitable contributions.

(a) Combined Federal Campaign (CFC). Only one such allotment is authorized for any service member.

(b) Army Emergency Relief, Navy Relief Society, or affiliates of the Air Force Assistance Fund. Only one such allotment is authorized for any service member.

(9) Contributions to the Post-Vietnam Era Veterans Educational Assistance Program. The allotment must be divisible by $5 and authorized in an amount not less than $25 nor more than $100.

(10) Payment of delinquent State or local income or employment taxes.

**b. Allotments Administratively Established (Involuntary):**

(1) See chapter 2, this part, for requirements and responsibilities in connection with allotments administratively established for:

(a) The payment to a member's dependents.

(b) Payment of rent.

(2) See chapter 3, part four, for allotments established on behalf of members missing, missing in action, etc.

## 60104. Eligible Allotters

a. Members on extended active duty who may make allotments of pay include commissioned and warrant officers, aviation cadets, and enlisted members.

b. Allotments may be continued to retired status in accordance with column E and note 2 of table 6-1-1.

## 60105. Pay and Allowances Which May Be Allotted

a. The maximum amount of pay and allowances which may be allotted by members assigned within the continental US for all purposes must not exceed:

(1) The total of:

(a) Basic pay.

(b) Basic allowance for quarters (BAQ) for members with dependents and members without dependents in the grade of E-7 or higher.

(c) Basic allowance for subsistence (BAS) for commissioned and warrant officers.

(d) Special pay for medical, dental, optometry, and veterinary officers.

(e) Submarine pay.

(f) Flying pay (all crew members).

(g) Diving pay.

(h) Proficiency pay.

(i) Career sea pay.

(2) Less amounts which must be withheld:

(a) For income and FICA taxes.

(b) To repay debts properly chargeable against a member's pay account; and

(c) Premiums of SGLI.

b. The maximum amount of pay and allowances that may be allotted by personnel assigned outside the US (including Alaska and Hawaii) must not exceed:

(1) The total of:

(a) Basic pay.

(b) Basic allowance for quarters (BAQ) for members with dependents and members without dependents in the grade of E-7 or higher.

(c) BAS for commissioned and warrant officers.

(d) Special pay for medical, dental, optometry, and veterinary officers.

(e) Flying pay (all crew members).

(f) Foreign duty pay.

(g) Special pay for duty subject to hostile fire (applies only to members permanently assigned in a designated area).

(h) Proficiency pay.

(i) Family separation allowances—Type II (FSA-R only).

(j) Submarine pay.

(k) Diving pay.

(l) Special pay for overseas extensions.

(m) Career sea pay.

(2) Less amounts which must be withheld under paragraph a(2) above.

c. Commanders may further restrict the total amount a member may allot, when necessary to help the member meet essential personal needs.

## 60106. Periods of Allotments

Allotments are made for indefinite periods except those:

a. To service relief organizations.

b. To the American Red Cross.

c. To the United States for:

(1) Repayment of indebtedness, or

(2) Payment of delinquent Federal income taxes.

d. For combined Federal campaign charity drive donations.

e. For payment of delinquent State or local income or employment taxes.

## 60107. Allotment Payment Offices

★a. **Army.** The US Army Finance and Accounting Center (USAFAC), Centralized Pay Operations, Indianapolis, Indiana 46249, issues savings bonds and pays all allotments of pay except class X allotments, which are paid by local disbursing officers.

b. **Navy.** The Navy Finance Center (Allotment Department), Anthony J. Celebrezze Federal Bldg., Cleveland OH 44199, issues savings bonds and pays all allotments of pay.

c. **Marine Corps.** The Marine Corps Finance Center, Centralized Pay Division (Code CPA), Kansas City MO 64197, issues savings bonds and pays all allotments of pay.

d. **Air Force.** The Air Force Accounting and Finance Center (AFAFC), Denver CO 80279, issues savings bonds and pays all allotments of pay except class X which are paid locally.

## 60108. Restrictions

a. **Minors.** Allotments (except Bond and class B) may not be made payable to children under 16 years of age. They may be made payable to the children's guardian or custodian. Spouses of members may be named as allottees regardless of age.

b. **Mental Incompetents.** Allotments may not be made payable to mentally incompetent persons. They may be made payable to a guardian or to the institution where confined.

c. **Multiple Allotments.** See restrictions in paragraph 60103 and other chapters in this part.

d. **Power of Attorney.** A power of attorney is not acceptable to establish, change, or stop an allotment.

e. **Members Awaiting Trial by Court-Martial.**

(1) Members may not register an allotment between the date a court-martial is ordered and the date of the approval or disapproval of the sentence.

(2) Discontinue allotments whenever:

(a) Necessary to permit collection of the forfeiture in the monthly amount specified and within the time limitation stated in the court-martial sentence.

(b) Member is sentenced to forfeit all pay and allowances due from the date the sentence is approved by the convening authority. This applies even though the convening authority defers the forfeitures and suspends the discharge when ordering the sentence into execution.

(3) Allotments may be registered by a prisoner provided the amount of pay and allowances not forfeited is sufficient to cover allotment charges.

f. **Returned Absentees, Deserters, and Prisoners.**

(1) Navy, Marine Corps, and Air Force. Allotments will not be registered for a returned absentee or deserter, unless the current military pay record or a photographic copy is

available or the appropriate finance center has furnished the member's pay status.

(2) Army Allotments will be initiated as prescribed in part six, AR 37-104-3.

**g. Fraudulent Enlistment.** Pay and allowances may not be allotted when pay is suspended pending final action on determination of fraudulent enlistment.

**h. Reduced Pay of Allotter.** When a reduction in grade or stoppage of pay does not leave sufficient funds for allotments in force, allotments will be discontinued.

## 60109. Right to Allotment in Case of Death

**a. Death of Allotter.** All allotments are revoked by death of the allotter. No further allotment payments may be made by the paying allotment office after receipt of notice of the allotter's death. Deductions made from the allotter's pay, but not paid to the allottee, become part of the allotter's estate. Allotments paid after the allotter's death may not be collected from the allottee, with two exceptions: (1) allotments erroneously established after notice of death of the allotter, and (2) unearned insurance payment premiums (insurance premiums paid 1 month in advance of the day payment is actually due). See service procedural instructions for actions required by the disbursing officer maintaining the pay account.

**b. Death of Allottee.** An allotment check, even though endorsed, does not become part of an allottee's estate if it is not cashed or negotiated before the allottee's death. It is not subject to any expense incurred by, or on behalf of, the allottee before or after death. All unnegotiated allotment checks will be returned to the office which issued them. They will be credited to the member's account or paid in accordance with service instructions if member has been separated from the service.

## 60110. Allotment Overpayment Responsibilities

**a. Army and Air Force.**

(1) If an allotment payment is made to an allottee before the disbursing officer receives notice to stop the payment from the office required by regulation to furnish this notice, payment is credited to the disbursing officer. Collection is made from the allottee, if possible. If an allotment is paid in error because the officer responsible failed to report either the death of the allotter or any other fact which makes the allotment not payable, the amount of the payment not recovered from the allottee is collected, if practicable, from the officer who failed to report.

(2) Any check or bond received for which entitlement does not exist must be returned immediately to the office which issued it. When an allotment payment is made after deductions from member's pay have ceased and the member does not return it to the office of issuance, he should be required to submit a complete and detailed explanation. Liability determination will then be made.

**b. Navy and Marine Corps.**

(1) Commanding Officer. The commanding officer is responsible for informing the disbursing officer of any facts which warrant the stoppage of an allotment and for any required follow-up action. The commanding officers of units or ships without disbursing officers have the same responsibility as disbursing officers to initiate any necessary follow-up action regarding unacknowledged allotment requests.

(2) Disbursing Officers. The disbursing officer who registers an allotment for a member is held responsible for proper entry on the military pay record. If the initial entry is incorrect, the field disbursing officer making the entry is responsible for all payments or overpayments of the allotment. Failure to transfer an active allotment from a closed pay record to a new pay record imposes a liability on the disbursing officer concerned for all payments or overpayments made by the allotment officer.

TABLE 6-1-1

ALLOTMENTS OF PAY—GENERAL

| R U L E | A | B |  |  | C |  |  | D |  |  | E | F |  | G |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  |  | and service letter designation is |  |  | and member on active duty is |  |  | and is |  |  | allotments which may be continued to retired status (notes 1 and 2) | then the allotment period required is |  | and pmt is made by |  |
|  | When purpose of allotment is | Army | MC/Navy | Air Force | Army | MC/Navy | Air Force | Officer | Enlisted Member | Aviation Cadet |  | Indefinite | Definite | Service Finance Center | Local Disbursing Officer |
| 1 | purchase of US savings bonds M | Bond Bonds | *B* | *B* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | *X* |  | *X* |  |
| 2 | charity drive donation (Combined Federal Campaign) | CFC | *C* | *C* | *X* | *X* | *X* | *X* | *X* | *X* |  |  | *X* | *X* |  |
| 3 | payments to dependents (except X) | SPT-V | *D* | *D* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | *X* |  | *X* |  |
| 4 | US Government life insurance and/or National Service Life Insurance or repayment of loan on veterans Administration insurance (note 7 | NSLI | *N* | *N* | *X* | *X* | *X* | *X* | *X* | *X* *(note 6)* | *X* | *X* |  | *X* |  |

TABLE 6-1-1

ALLOTMENTS OF PAY—GENERAL

| | A | B | | | C | | | D | | | E | F | | G | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | and service letter designation is | | | and member on active duty is | | | and is | | | allotments which may be continued to retired status (notes 1 and 2) | then the allotment period required is | | and pmt is made by | |
| RULE | When purpose of allotment is | Army | MC/Navy | Air Force | Army | MC/Navy | Air Force | Officer | Enlisted Member | Aviation Cadet | | Indefinite | Definite | Service Finance Center | Local Disbursing Officer |
| 5 | repayment of home loans | Home | *H* | *H* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | |
| 6 | commercial life insurance (notes 3 & 4) | Ins | *I* | *I* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | |
| 7 | repayment of loans to Navy Relief Society, Army Emergency Relief, Air Force Aid Society, or American Red Cross | AER<br>REDCR | *L* | *L* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | *X* | |
| 8 | Navy Mutual Aid insurance | none | *M* | *none* | | *X* | | *X* | *X* *(note 5)* | | *X* | *X* | | *X* | |

TABLE 6-1-1—Continued

ALLOTMENTS OF PAY—GENERAL

| | A | B | | | C | | | D | | | E | F | | G | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RULE | When purpose of allotment is | and service letter designation is | | | and member on active duty is | | | and is | | | allotments which may be continued to retired status (notes 1 and 2) | then the allotment period required is | | and pmt is made by | |
| | | Army | MC/Navy | Air Force | Army | MC/Navy | Air Force | Officer | Enlisted Member | Aviation Cadet | | Indefinite | Definite | Service Finance Center | Local Disbursing Officer |
| 9 | payment to bank institution for credit to allotter | FININ | *S* | *S* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | |
| 10 | contributions to Post-Vietnam Era Veterans Educational Assistance Program | EDSAV | *E* *(Navy)*<br>*V* *(MC)* | *S* | *X* | *X* | *X* | *X* | *X* | | | *X* | *X* *(Army only)* | *X* | |
| 11 | payment of indebtedness to US | FED | *T* | *T* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | *X* | |
| 12 | payment of delinquent Federal taxes | FED | *T* | *T* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | *X* | |
| 13 | remittance for RSFPP for retired members on active duty | RSFPP | *U* | *U* | *X* | *X* | *X* | *X* | *X* | | | *X* | | *X* | |

TABLE 6-1-1—Continued

ALLOTMENTS OF PAY—GENERAL

| RULE | A | B | | | C | | | D | | | E | F | | G | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | and service letter designation is | | | and member on active duty is | | | and is | | | allotments which may be continued to retired status (notes 1 and 2) | then the allotment period required is | | and pmt is made by | |
| | When purpose of allotment is | Army | MC/Navy | Air Force | Army | MC/Navy | Air Foce | Officer | Enlisted Member | Aviation Cadet | | Indefinite | Definite | Service Finance Center | Local Disbursing Officer |
| 14 | emergency payments to dependents | X | *none* | *X* | *X* | | *X* | *X* | *X* | | | *X* | | | *X* |
| 15 | payment of delinquent State or local income or employment taxes | FED | *T* | *T* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | *X* | |
| 16 | charitable contribution to Army Emergency Relief, Navy Relief Society, or affiliates of Air Force Assistance Fund | AER–C | *C* | *F* | *X* | *X* | *X* | *X* | *X* | *X* | *X* | | *X* | *X* | |

NOTES:

1. Includes members of the Fleet Reserve or Fleet Marine Corps Reserve when not on active duty.

2. Allotments under rules 5, 9, and 15 may be continued to a retired status, however, once any such allotment is discontinued by the retiree, it cannot be reestablished. However, changes are permitted only when they are beyond the member's control and are of an administrative nature dictated by events incidental to the purpose of the allotment. Discontinuance occurs with any mortgage refinancing action.

3. Alloter's life only including family group type insurance plans.

4. Comply with service regulations listed below before approving new allotments initiated for payment of premiums on commercial life insurance. However, any such allotments in effect 30 Sep 1967 may be continued as approved allotments.

Army: AR 210-8
Navy and Marine Corps: SECNAVINST 1740.2 Series
Air Force: AFR 211-16

5. See DODPM, para 60422, for eligible enlisted members.

6. If electing to continue NSLI purchased before becoming aviation cadet.

7. Payment of insurance premiums and repayment of insurance loans will be made by one NSLI or class N allotment.

# CHAPTER 2

# ALLOTMENTS TO DEPENDENTS OR RELATIVES, OR FOR SAVINGS

## SECTION A—ALLOTMENTS TO DEPENDENTS OR RELATIVES

### 60201. Allotments To Dependents or Relatives

a. **General.** Officers and enlisted members of the services may authorize allotments of pay to their dependents, relatives, or divorced spouse.

b. **Type of Allotments.** The following types of allotments may be established:

(1) *Army*—SPT-V; class X.

(2) *Navy/Marine Corps*—class D.

(3) *Air Force*—class D; class X.

★c. **Specific Instructions.**

(1) Class D Allotment (Air Force) and SPT-V Allotment (Army)—This allotment may be authorized by the member or administratively initiated under procedures established by the service concerned. It may be made payable to an individual or to a financial organization for credit to the account of the allottee, or a joint account of the allotter and allottee. A class D or SPT-V allotment administratively established may be terminated by request of the member.

(2) Class X Allotment (Army and Air Force)—This allotment is locally paid and is authorized only in emergency circumstances which prevent the member from supporting his dependent(s) by the usual means. It may be paid direct to the member's dependent or may be made payable to a financial organization for credit to an account. This allotment is intended to be flexible enough to cope with the various types of emergencies that may arise. (See table 6-2-1.)

★d. **Prior Arrangements Necessary.** When an allotment is made payable to a financial organization, a member must make satisfactory arrangements with the financial organization to accept checks for deposit before initiating the allotment.

e. **Administration of Allotments.** Details covering the administration of the allotments prescribed in b above are contained in the pay procedural instructions of the service concerned.

### 60202. Allotment/Deduction for Rent

An allotment or deduction of pay may be authorized by the appropriate Service Secretary for the payment of rent of premises occupied for dwelling purposes by the spouse, children, or other dependents of a member. Such allotment or deduction will be processed in accordance with the procedural instructions of the service concerned.

## SECTION B— ALLOTMENTS FOR SAVINGS

### 60221. Eligibility and Purpose

Officers and enlisted members of the services may authorize allotments of their pay for saving purposes.

### 60222. Type of Allotments

The following types of allotments may be established:

a. **Savings (General):**

(1) *Army*—FININ

(2) *Navy/Marine Corps/Air Force* — class S.

### ★60223. Authorized Allottee

**Savings (General).** Allotments may be made payable to a financial organization for credit to a savings, checking, or trust account of the allotter without restricting the use of the funds allotted.

### 60224. Restrictions

a. No more than two allotments for savings may be allowed any Army, Navy, Marine Corps, or Air Force member.

b. These allotments may not be paid to any type of investment firm or institution.

★c. No more than one such allotment, to the same allottee, will be allowed.

### 60225. Prior Arrangements Necessary

Members must make satisfactory arrangements with the financial organization to accept checks for deposit before starting the allotment.

### 60226. Administration of Allotments

Details covering administration of the allotments prescribed in paragraph 60222 are in the pay procedual instructions of the service concerned.

**TABLE 6-2-1**

**USE OF CLASS X ALLOTMENTS**

| R U L E | A | B | C | D | E |
|---|---|---|---|---|---|
| | **If member's service is** | **and member is** | **and** | **but in** | **then, member may authorize a** |
| 1 | Army | stationed in an overseas area (including Alaska and Hawaii) | dependents reside in the same overseas area | a different foreign country | class X allotment (Type I) for an indefinite period. |
| 2 | Air Force | | | | class X allotment (indefinite period). |
| 3 | | | | the same foreign country, during periods member is absent from the permanent station | |
| 4 | Army | stationed anywhere | is required to depart from the permanent station | a time frame which precludes normal arrangements for support of dependents | class X allotment (Type II) for a definite period (not more than 6 months) (note 1). |
| 5 | Air Force | | | | class X allotment for one-time emergency payment. |
| 6 | | | is deployed in TDY status for more than 30 days | | class X allotment for a definite period (not more than 6 months) (note 2). |

NOTES:
1. If member has not returned to the permanent station by the date the allotment is due to expire, the commander may extend the allotment for another 6 months.

2. If member has not returned to the permanent station by the date the allotment is due to expire, the accounting and finance officer or the appointed agent establishes a class D allotment to replace the class X.

# CHAPTER 3

# ALLOTMENTS FOR REPAYMENT OF INDEBTEDNESS

## 60301. Allotments Authorized for Repayment of Indebtedness

Members on active duty may make allotments of pay to:

a. Liquidate debts due the US.

b. Repay a loan for purchase of a home for use as the allotter's residence. This includes a mobile home or house trailer.

c. Repay loans made by service relief organizations and the American Red Cross.

d. Pay amounts due under the Retired Serviceman's Family Protection Plan (RSFPP) by retired members serving on active duty (includes members of the Fleet Reserve and Fleet Marine Corps Reserve).

e. Payment of delinquent State or local income or employment taxes.

## 60302. Authorized Allotments

See table 6-3-1.

## 60303. Responsibility for Payment

a. All allotments authorized by this chapter are paid centrally by the offices shown in paragraph 60107.

b. Navy and Marine Corps members may not register a T allotment for payment of delinquent Federal income taxes for less than 3 months. If the delinquent taxes can be paid in less than 3 months, payment is made by the disbursing officer and entered on the pay record in the same manner as payments to instrumentalities and agencies.

## 60304. Period of Allotments

a. The following allotments are made for an indefinite period:

(1) Repayment of home loans.

(2) Annuity payments under RSFPP. These allotments are stopped when the member is released from active duty.

b. The following allotments are for a definite period:

(1) Repayment of loans made by Service Relief Organizations and the American Red Cross.

(2) Payment of delinquent Federal income taxes.

(3) Repayment of debts to the US Government.

(4) Payment of delinquent State or local income or employment taxes.

TABLE 6-3-1

DEBTS AND OBLIGATION—AUTHORIZED ALLOTMENTS

| | A | B | | | C | D |
|---|---|---|---|---|---|---|
| R<br>U<br>L<br>E | When a member | and is a member of<br>Army | <br>Navy or MC | <br>Air Force | then the member may register an allotment | payable to |
| 1 | Obtains a loan to buy a home (including a mobile home or house trailer) to be used as member's residence (note 1) | X | | | HOME | a financial organization, lending institution, or individual lender. |
| 2 | | | X | X | class H | |
| 3 | obtains a loan from the American Red Cross | X | | | REDCR | applicable ARC chapter or office. |
| 4 | | | X | X | class L | |
| 5 | obtains a loan from Army Emergency Relief, Navy Relief, or Air Force Aid Society | X | | | AER | the designated organization. |
| 6 | | | X | X | class L | |
| 7 | owes delinquent Federal income taxes and has made arrangements for such payments with IRS | X | | | FED | the applicable District Director, Internal Revenue Service |
| 8 | | | X | X | class T | |
| ★ 9 | is indebted to any other department or agency of the United States Government (note 2) | X | | | FED | the agency or department concerned, showing member's case or loan number (notes 3 and 4). |
| ★10 | | | X | X | class T | |
| 11 | owes the Government for annuity deductions in the RSFPP, and is recalled to active duty from retirement | X | | | RSFPP | Retired Serviceman's Family Protection Plan. |
| 12 | | | X | X | class U | |

|  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|
| 13 | owes delinquent State or local income or employment taxes and has made arrangements for such payments with the estate or local taxing authorities | X |  |  | FED | the applicable State or local taxing authority |
| 14 |  |  | X | X | class T |  |

NOTES:

1. Not for additions or improvements to the residence.

★2. Debts to the United States Government include, but are not limited to: defaulted notes insured by the FHA or guaranteed by VA, overpayments of pay and allowances by an agency other than the member's military department, and debts owed to organization for funds administered on behalf of the Federal government and any such debts assigned to a collection agency. Debts to nonappropriated fund activities, such as clubs, messes, and exchanges, are not included.

★3. Allotment may be made to an organization administering funds on behalf of a United States Government agency or department or to collection agencies designated to collect such debts.

4. Allottee will be US General Accounting Office, Claims Group, Room 5451, FGMS, Washington DC 20548, when that office is recovering the overpayment.

# CHAPTER 4

# PAYMENT OF INSURANCE PREMIUMS

## SECTION A--CLASS N AND NSLI ALLOTMENTS

### 60401. Purpose

Allotments are authorized by all services for paying premiums on US Government Life Insurance and/or National Service Life Insurance (NSLI).

### 60402. Eligible Allottee

The allottee for class N and NSLI allotments is:

The Veterans Administration Insurance Center
PO Box 8079
Philadelphia, Pennsylvania 19101

### 60403. Number of Allotments Permitted

A member may have only one class N or NSLI allotment. If the member has more than one policy in effect under one class of insurance, or a combination of US Government and National Service Life Insurance, the premium payments are combined into one allotment.

### 60404. Effective Dates for Starting, Changing, and Stopping Allotments

Tables 6-4-1, 6-4-2, and 6-4-3 prescribe effective date on which class N and NSLI allotments are started, changed, or stopped.

### 60405. Mandatory Stoppages

**a. When Required.** Table 6-4-3 gives conditions which require stoppage of class N and NSLI allotments.

**b. Temporary Indebtedness or Forfeitures.** Insurance allotments of Navy and Marine Corps members may not be stopped because of temporary indebtedness due to a request for collection of pay, or because of an authorized advance of pay, or temporary forfeiture of pay imposed by sentence of courtmartial. See table 6-4-3, rules 15 & 16, for Army and Air Force members.

**c. Cash Deposit for Insurance.** Navy or Marine Corps members in a non-pay status may make cash deposits to protect class N insurance allotments.

## SECTION B--INS AND CLASS I ALLOTMENTS (COMMERCIAL LIFE INSURANCE)

### 60411. Purpose

**a. Allotments Authorized.** The following types of allotments are authorized for paying premiums on commercial life insurance on the life of the allotter:

(1) INS allotment, Army.

(2) Class I. Navy, Marine Corps, and Air Force.

**b. Restrictions.** Allotments are not permitted for:

(1) Payment of premiums for insurance on other than the allotter's life, except for the family group type of insurance which, with the payment of a single premium, provides life insurance on the life of the member with reduced coverage on the lives of member's spouse and children.

(2) Health, accident, or hospitalization insurance, or other contracts or agreements, which as a secondary or incidental feature include insurance on the life of the allotter.

### 60412. Eligible Allottees

**a. Commercial Life Insurers.** Commercial life insurers are eligible allottees for INS or class I allotments under this section. However, all new allotments effective on and after 1 Oct 1967 for payment of premiums on commercial life insurance must be approved under service regulations cited in note 4, table 6-1-1. All payments to an insurer are made to the home office of the agency issuing the policy or to a branch office named by the home office.

**b. Banks.** Banks in New York, Massachusetts, and Connecticut are authorized by laws in those states to sell life insurance as a collateral business. This is done under a separate corporate entity established for that purpose. A member may authorize an INS allotment (Army) or a class I (Navy, Marine Corps, and Air Force) allotment to a bank under such a plan if the title of the corporate entity includes a clear indication that life insurance is involved.

### 60413. Number of Allotments Permitted

A member may have more than one INS or class I allotment for commerical life insurance. However, if member has more than one life insurance policy with the same company, premium payments must be combined into one allotment to that company.

### 60414. Effective Dates for Starting, Changing, and Stopping Allotments

Tables 6-4-1, 6-4-2, and 6-4-3 prescribe effective dates on which INS or class I allotments for commercial life insurance may be started, changed, or stopped.

### 60415. Mandatory Stoppages

Table 6-4-3 gives conditions which require stoppage of INS or class I allotments for commercial life insurance.

## SECTION C--CLASS M ALLOTMENTS (NAVY AND MARINE CORPS)

### 60421. Purpose

Class M allotments are authorized for paying premiums on Navy Mutual Aid Insurance. The restrictions in paragraph 60411b on commercial insurance allotments apply to class M allotments also.

### 60422. Eligible Allotters

Class M allotments are authorized for the following Navy and Marine Corps members:

a. Officer.

b. Enlisted in pay grade E-7 and above.

c. Enlisted with over 10 years creditable service regardless of pay grade.

### ★60423. Number of Allotments Permitted

Members are restricted to one class M allotment. When members have both the regular premium and the extra hazardous duty premium, the payments must be combined into one allotment.

### 60424. Effective Dates for Starting, Changing, and Stopping Allotments

Tables 6-4-1, 6-4-2, and 6-4-3 prescribe effective dates on which class M allotments may be started, changed, or stopped.

### 60425. Mandatory Stoppages

Table 6-4-3 gives conditions which require stoppage of class M allotments.

**TABLE 6-4-1**

**EFFECTIVE DATES FOR STARTING INSURANCE ALLOTMENTS (INS, I, M, NSLI, OR N)**

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **If a member of** | **authorizes a class** | **and** | **then start allotment effective the first day of the month** |
| 1 | any service | N (NSLI) allotment | | preceeding the month in which insurance premium is due. If member has credits to cover deductions, allotment may be retroactive to assure continuity of premium payments or to reinstate insurance on member's return from unauthorized absence (notes 1 and 2) |
| 2 | | | insurance policy is dated back to save age | in which application is made. Member must pay the reserve to cover previous months by direct payment to VA |
| 3 | the Army | INS allotment | | specified by member, if authorization will reach allotment office before the date specified in service procedural regulations. May be effective with month allotter enters on duty but only when an enlisted member, warrant officer, or graduate of Service Academy is commissioned, or when an enlisted member is appointed a warrant officer |
| 4 | the Air Force | I allotment | | |
| 5 | the Navy or Marine Corps | I or M allotment | | specified by member, if authorization will reach allotment officer before the date specified in service procedural regulations |

NOTES:

1. A US Government or National Service Life Insurance allotment deducted for 1 month pays the premium for the following month. For example, if premium for July is first one to be paid by allotment, allotment must be effective 1 June.

2. When a class N or NSLI allotment has been discontinued, whether voluntarily or involuntarily, the allotter may reauthorize the allotment, except when starting an allotment is prohibited by this chapter.

**TABLE 6-4-2**

**EFFECTIVE DATES FOR CHANGING INSURANCE ALLOTMENTS (INS, I, M, NSLI, OR N)**

| R | A | B | C | D | E |
|---|---|---|---|---|---|
| U<br>L<br>E | **If a member of** | **has a class** | **and** | **then stop present allotment effective the last day of the month** | **and start new allotment effective the first day of the month** |
| 1 | the Army | INS or NSLI allotment | the member or accounting and finance office requests a change in allotment | specified in allotment document, if authorization will reach allotment office before the date specified in service procedural regulations (stop retroactively if requested by VA or allotment office) | following the month old allotment is stopped |
| 2 | the Air Force | I or N allotment | | | |
| 3 | the Navy or Marine Corps | I, M, or N allotment | | | |
| 4 | any service | N (NSLI) allotment | allotment was authorized in incorrect amount or effective date | before its effective date | the original authorization was effective, or the date requested by allotment office or VA. (Allotment office adjusts premium payments with VA) |

**TABLE 6-4-3**

**EFFECTIVE DATES FOR STOPPING INSURANCE ALLOTMENTS (INS, I, M, NSLI, OR N)**

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **If a member of** | **has a class** | **and** | **then stop allotment effective the first day of the** |
| 1 | the Army | INS or NSLI allotment | the member requests the allotment be stopped | month specified by the member, if authorization will reach the allotment office before the date specified in service procedural regulations |
| 2 | the Air Force | I or N allotment | | |
| 3 | the Navy or Marine Corps | I, M, or N allotment | | |
| 4 | any service | N (NSLI) allotment | the application for insurance is disapproved by the VA | month before the effective starting date of the allotment (see note) |
| 5 | the Army | INS or NSLI allotment | is AWOL for 10 days or more | latest month in which enough pay accrues to satisfy deduction |
| 6 | the Air Force | I or N allotment | | |
| 7 | the Navy or Marine Corps | N allotment | is AWOL for at least 30 days | month before the month in which absence began |
| 8 | | I or M allotment | is AWOL for 15 days (or less, if allotment discontinuance is necessary to prevent overpayments) | month before the month in which absence began if authorization will reach allotment office before the date specified in service procedural regulations; otherwise the month absence began |
| 9 | the Army | INS or NSLI allotment | approved court-martial sentence imposes total forfeiture of pay and allowances | latest month in which enough pay accrues to satisfy deduction |
| 10 | the Air Force | I or N allotment | | |

TABLE 6-4-3—Continued

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **If a member of** | **has a class** | **and** | **then stop allotment effective the last day of the** |
| **11** | the Navy or Marine Corps | I, M, or N allotment | approved court-martial sentence imposes total forfeiture of pay and allowances | month before the month in which court-martial sentence is approved |
| **12** | the Army | INS or NSLI allotment | has insufficient "take-home" pay to satisfy IRS Notice of Levy for delinquent income tax | month before the month in which IRS Notice of Levy is received. (Stop insurance allotments only if discontinuance of other voluntary allotments will not satisfy levy) |
| **13** | the Air Force | I or N allotment | | |
| **14** | the Navy or Marine Corps | I, M, or N allotment | | |
| **15** | the Army | INS or NSLI allotment | has insufficient pay, because of reduction in grade, nonpay status, or stoppage of pay, to warrant continuance of allotment | latest month in which enough pay accrues to satisfy deduction. Avoid stopping allotment unnecessarily or earlier than required |
| **16** | the Air Force | I or N allotment | | |
| **17** | the Army | INS or NSLI allotment | is separated, retires, or dies | (see procedural regulations of service concerned) |
| **18** | the Air Force | I or N allotment | | |
| **19** | the Navy or Marine Corps | I, M, or N allotment | | |

NOTE:
If applicant has been separated from the service, the commander forwards disapproval notice, with member's last known address thereon, to the allotment office.

# ★CHAPTER 5

# PURCHASE OF US SAVINGS BONDS

## 60501. Authorized Purchases by Allotment

Members may purchase US Savings Bonds by class B (Bond) allotment in denominations of $50, $75, $100, $200, $500 and $1,000. The purchase price of the bond is one-half of the face value. Bond purchases in 1 calendar year may not exceed $15,000 (purchase price). See table 6-1-1 for members who may purchase bonds by allotment.

## 60502. Mailing Bonds

Bonds may be mailed to any address except one in a blocked country.

## 60503. Safekeeping of Bonds.

Service members who prefer not to have their bonds mailed upon issue may have them held in safekeeping in accordance with the procedural regulations of the respective services.

## 60504. Class B (Bond) Allotments for Members in Missing or Captured Status (Army and Air Force)

Army and Air Force members may authorize class B (Bond) allotments to become effective only if they enter a status of missing, missing-in-action, interned in a foreign country, captured, beleaguered or besieged by a hostile force, or detained in a foreign country against their will.

## 60505. Administration of Allotments

Details covering the administration of savings bonds allotments are in the pay procedural instructions of the service concerned.

# ★CHAPTER 6

# CHARITABLE CONTRIBUTIONS

## SECTION A—COMBINED FEDERAL CAMPAIGN

### 60601. Authorization

a. **General.** Annual solicitations for donations to various community charity drives have been coordinated into a single combined fund-raising campaign. The name of this campaign is the Combined Federal Campaign (domestic areas) or the DOD Overseas Combined Federal Campaign (overseas areas). Basic information on the Combined Federal Campaign (domestic areas) is in the manual on Fund-Raising Within the Federal Service, and information for overseas areas is in appropriate service regulations.

b. **Allotment.** Members meeting the requirements of this chapter may authorize a class C (CFC) allotment for a charity contribution to the Combined Federal Campaign (domestic or overseas). All allotments authorized are paid centrally by the offices shown in paragraph 60107.

### 60602. Term of Allotment

A member stationed in a CFC area (US or overseas) during a fund-raising campaign period may authorize an allotment for a 12-month period beginning in January. A member who will not be on active duty for the full year is not precluded from authorizing an allotment if separation is not anticipated within 3 months from the effective date of the allotment.

### 60603. Limitations

a. **Amount of Allotment.** Allotments must be at least $1.00 per month.

b. **Adjustment.** After an allotment has been established there can be no change in the amount.

c. **Discontinuance.** Once an allotment is stopped it may not be reinstated during the current allotment period (this does not apply to Navy or Marine Corps members when the allotment is stopped because of change in pay group). Stop the allotment:

(1) At the end of the authorized withholding period.

(2) Upon member's written request.

(3) Upon separation (except when discharged and immediately reenlisted at the same station without a break in service), release from active duty, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, retirement, or death.

### 60604. Transfer

Continue the allotment when a member participating in a combined Federal fund-raising campaign is transferred, unless the member submits a written discontinuance request.

### 60605. Administration of Allotment

Details covering the administration of this type allotment and method of remitting deductions to the Combined Federal Campaign organizations are in the pay procedural instructions of the service concerned.

## SECTION B—SERVICE RELIEF ORGANIZATIONS

### 60611. General

Members are authorized to make charitable contributions to the Army Emergency Relief, Navy Relief Society, or affiliates of the Air Force Assistance Fund by allotment. All allotments authorized are paid centrally by the offices shown in paragraph 60107.

### 60612. Limitations

Allotments must be at least $1.00 per month and only one such allotment is authorized to each allottee.

### 60613. Administration of Allotment

Details covering the administration of this type allotment and method of remitting deductions to the Army Emergency Relief, Navy Relief Society, or affiliates of the Air Force Assistance Fund are in the pay procedural instructions of the service concerned.

# CHAPTER 7

# POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

## 60701. General

The Post-Vietnam Era Veterans' Educational Assistance Program provides education assistance on a contributory basis to those eligible members entering the Armed Forces on or after 1 January 1977, who might otherwise be unable to obtain a higher education.

## 60702. Contributions

Contributions by the member will be by allotment, payroll deduction or lump sum payment. The amount of the allotment or payroll deducation (Marine Corps only) will be not less than $25 nor more than $100 and must be divisible by $5. Contributions by the participant are limited to a maximum of $2,700.

## 60703. Administration of Allotment or Payroll Deduction

Details covering the administration of this type allotment or payroll deduction (Marine Corps only) and the method of remitting contributions to the Veterans Administration are contained in regulations issued by the Department of Defense, the Veterans Administration and the service concerned.

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# PART SEVEN

# DEDUCTIONS AND COLLECTIONS

## CHAPTER 1

## WITHHOLDING INCOME TAX

### SECTION A—WITHHOLDING FROM CURRENT PAY

### 70101. Wages Subject to Withholdings of Federal/State Income Tax

The taxable pay (table 7-1-1) of all Service members except those listed in paragraph 70102 below, is subject to withholding of Federal/State Income tax.

### ★70102. Wages Not Subject to Withholding of Federal/State Income Tax

Military pay of the following Service members is not subject to withholding of Federal/State income tax:

a. All active duty members for any month during which they qualify for combat zone exclusion, as prescribed in paragraph 70103.

b. All active duty members for any month during any part of which the member is in a missing status as defined in paragraph 40301d during the Vietnam conflict as a result of such conflict; except, for periods for which it is officially determined that the member is absent from post of duty without authority. These provisions are effective from 28 Feb 1961.

### 70103. Exclusions

a. **Combat Zone Exclusion.**

(1) **Combat zone defined.** Effective 1 Jan 1964, Executive Order 11216 designated the following area as a "combat zone": Vietnam, including the waters adjacent thereto within the following described limits: From a point on the East Coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N. Lat., 108° 15′ E Long.; thence southward to 18° N. Lat., 108° 15′ E Long.; thence southeastward to 17° 30′ N Lat., 111° E Long.; thence southward to 11° N Lat., 111° E Long.; thence southwestward to 7° N Lat., 105° E Long.; thence westward to 7° N Lat., 103° E Long.; thence northward to 9° 30′ N Lat., 103° E Long.; thence northeastward to 10° 15′ N Lat., 104° 27′ E Long.; thence northward to a point on the West Coast of Vietnam at the juncture of Vietnam with Cambodia. The island of Phu Quoc is a part of the territory of Vietnam.

(2) **Qualification for Combat Zone Exclusion.** On and after 1 Jul 1973, members are entitled to combat zone tax exclusion for any month during any part which they:

(a) Perform active service in the combat zone desginated in a (1) above. Periods in the zone during which members are absent from their duty assignments in the zone on account of sickness, wounds, leave, internment by the enemy, or other lawful cause are periods of active service. A member of the Armed Forces in active service in the combat zone who there becomes a prisoner of war or missing in action is deemed, for the purposes of this paragraph, to continue in active service in the combat zone for the period for which member is entitled to such status for military pay purposes. A member assigned to duty in the combat zone who is directed to perform temporary duty, granted official leave, or authorized to depart from the zone for other lawful cause, and whose departure or return is on any day of the month may receive the combat zone exclusion for that month. However, in instances when the absence on leave, TAD or TDY extends over a period which includes a full calendar month, the tax exclusion may not be allowed for that calendar month.

(b) As a result of physical presence in the combat zone, qualify for hostile fire pay under table 1-10-1, rules 4 through 8.

(c) During the period 1 Jul 1973 through 14 Aug 1973, perform military duties in areas outside the combat zone in support of military operation in the zone and by reason of such duties qualify for hostile fire pay under chapter 10, part one. When members are entitled to tax exclusion under this paragraph entitlement continues for periods of absence, prisoner or missing status, and temporary duty as stated for service in the actual combat zone in (2)(a), above.

(d) Are hospitalized or rehospitalized any place as a result of wounds, disease, or injury incurred while serving in a combat zone or serving under (2) (c), above. A member is considered as hospitalized or rehospitalized until such time as status as a hospital patient ceases by reason of discharge from the hospital. Combat zone tax exclusion shall not apply to any months beginning more than 2 years after the date of the termination of combat activities in the combat zone. However, with respect to members hospitalized or rehospitalized as a result of service in the combat zone designated for purposes of the Vietnam conflict, or service outside the combat zone (paragraph 70103a(2) (c) above), combat zone tax exclusion shall not apply to any month beginning after 31 Jan 1978.

(3) **Periods for Which Tax Exclusion Does Not Apply.** Effective 12 Nov 1970 members who are in the combat zone merely because of being on leave from a duty station not in the zone solely for their own convenience, or who pass over or through the zone in a travel or duty status between points outside the zone are not entitled to tax exclusion unless they qualify under (2) (b) above. Travel or duty status for which the exclusion does not apply includes stops or layovers in the combat zone. This paragraph does not apply to members who are assigned to units in the combat zone or who are ordered on official temporary duty to the combat zone.

(4) **Tax Abatement in Case of Death.**

(a) A member who dies in a combat zone, or as a result of wounds, disease, or injury incurred while serving under (2) (c) above is exempt from any income tax for:

1. The taxable year in which death occurs.

2. Any prior taxable year ending on or after the first day served in a combat zone.

3. Any such tax for prior years which remains unpaid at date of death.

(b) For missing members the date of death is not earlier than the date on which a determination of death is made. The preceding sentence does not cause abatement of taxes for any taxable year beginning:

1. After 2 Jan 1978, for service in the combat zone designated for purpose of the Vietnam conflict, or

2. More than 2 years after the date designated under 26 U.S.C. 112 as the date of termination of combatants activities in any combat zone other than that designated above.

(5) **Termination Date.** In no case will the tax exclusion authorized in (2) (a) thru (c) above for active duty members extend beyond the effective date specified in an Executive Order terminating the designation of the combat zone.

## 70104. Rate of Withholding

**a. General.** Federal and State withholding will be in accordance with Treasury Department Circular E and Treasury Department regulations governing State income tax withholding as implemented in service directives.

**b. Additional Federal/State Withholding Tax.** A member may authorize an additional amount to be withheld monthly to meet the income tax needs while entitled to combat zone tax exclusion, or for other reasons. A member who becomes entitled to combat zone exclusion while on TAD or TDY may authorize that regular withholding be continued. Member's pay account must be adjusted currently, however, for the combat zone exclusion. See procedural instructions of the service concerned for preparation of additional withholding tax requests and effective dates.

## 70105. State and Local Taxes

**a. Tax Requirements.** The State in which a member claims legal residence may tax compensation and other income regardless of the member's location. Compensation for military service, however, is not taxable by any State, territory, possession, political subdivision, or district which is not the legal residence of the member.

**b. Legal Residence.** Each member must designate a legal residence, and report any changes of legal residence. A member's legal residence does not change because of change of permanent station. Legal residence at the time of entry into the service remains the same until changed by the member. Notification of a change of legal residence must be accomplished by DD Form 2058, State of Legal Residence Certificate.

**c. Withholding.** Compensation for military service which is subject to Federal taxation is also subject to the mandatory withholding of income taxes on behalf of those States (including the District of Columbia) which have entered into an agreement for the purpose of such withholding with the Secretary of the Treasury. The following States have entered into such an agreement:

| State | Effective date to commence withholding |
|---|---|
| Alabama | 1 Jul 77 |
| Arkansas | 30 Mar 81 |
| California | 1 Feb 78 |
| Colorado | 1 Aug 77 |
| Delaware | 1 Jul 77 |
| District of Columbia | 1 Aug 77 |
| Georgia | 1 Jan 79 |
| Hawaii | 1 Dec 77 |
| Idaho | 1 Jul 77 |
| Indiana | 1 Aug 77 |
| Iowa | 1 Jul 77 |
| Kansas | 1 Jul 77 |
| Kentucky | 1 Sep 77 |
| Louisiana | 1 Sep 77 |
| Maine | 1 Nov 77 |
| Maryland | 1 Aug 77 |
| Massachusetts | 1 Aug 77 |
| Minnesota | 1 Nov 77 |
| Mississippi | 1 Jun 78 |
| Nebraska | 1 Sep 77 |
| New Jersey | 1 Jul 77 |
| New Mexico | 1 Jul 77 |
| New York | 1 Jul 77 |
| North Carolina | 1 Jul 77 |
| Ohio | 1 Sep 78 |
| Oklahoma | 1 Sep 77 |
| Oregon | 1 Nov 77 |
| Pennsylvania | 1 Jul 77 |
| Rhode Island | 1 Aug 77 |
| South Carolina | 1 Jul 77 |
| Utah | 1 Jul 77 |
| Virginia | 1 Jul 77 |
| Wisconsin | 1 Aug 77 |

**d. Delinquent Taxes.** There is no authority for the involuntary collection of delinquent State tax liabilities of members.

## 70106. Nonresident Aliens

**a. Definition.** For the purpose of Federal Income Tax Withholding a nonresident alien is a citizen of a foreign country who:

(1) Is in, or will be in, the United States temporarily, and

(2) has not established a home in the United States, and

(3) has neither immigrated to the

United States, nor filed papers with the immigration authorities indicating intent to become a citizen of the United States,

(4) is not assigned Government quarters in the United States with accompanying dependents, or has not otherwise established a residence in the United States with dependents.

**b. Tax Liability.** A service member who is a nonresident alien (such as a citizen of the Philippines), is liable for United States income tax on pay attributable to service performed in the United States, even if such pay is not subjected to Federal Income Tax Withholding because of subparagraph c below. A nonresident alien member's pay attributable to service performed outside the United States is not subject to United States income tax. For purposes of this paragraph, service outside the United States means shore duty at a Naval or other military installation outside the United States and the States of Alaska or Hawaii, or duty on board a sea-going vessel of the Navy (other than a vessel normally used in coastal waters only). Service in a possession of the United States is considered duty outside the United States. A nonresident alien member is not disqualified from eligibility for any of the income exclusions/withholding exemptions set forth in part seven because of a nonresident alien status.

**c. Tax Withholding.** A nonresident alien member's pay for services over an extended period of time (more than 60 calendar days) within the United States is subject to Federal Income Tax Withholding. Pay for brief periods of service within the United States (60 calendar days or less), or for service outside the United States, is not subject to Federal Income Tax Withholding. However, the nonresident alien member is nevertheless subject to the United States income tax on pay earned for service within the United States (regardless of the duration of the service), and is responsible for reporting and paying any Federal income tax due on such pay. Nonresident alien members are not subject to State income tax withholding.

### ★70107. Advance Payment of Earned Income Credit Amounts

Members who can satisfy the IRS earnings and status of dependents' tests qualify for the earned income credit and may elect to receive advance payments. Advance payments will be made after such members file an Earned Income Credit Advance Payment Certificate (TD Form W-5). Payments may be made to members under Treasury Department regulations as implemented in service directives.

## SECTION B—COLLECTION OF DELINQUENT FEDERAL TAXES BY LEVY

### 70111. Authority

If any member neglects or refuses to pay any internal revenue tax within 10 days after a notice and demand for payment has been issued, the Secretary of the Treasury or delegate may collect the tax by levy upon the accrued salary or wages of the member. If the Secretary of the Treasury or delegate determines that collection of a tax is in jeopardy, they may issue a notice and demand for immediate payment. If a member fails or refuses to pay the tax upon receipt of such a notice and demand, the tax may be collected by levy without regard to the 10-day period.

### 70112. Service of Notice of Levy

Notice of Levy (IRS Form 668W) is served in person by an agent of the IRS or by mail. IRS instructions for responding are included with the levy.

**a. Army and Navy.** IRS sends levies to be served by mail for members having an APO or FPO address other than Alaska, Hawaii, and Puerto Rico to US Army Finance and Accounting Center or Navy Finance Center, Cleveland, Ohio, as appropriate. The center forwards the levy to the paying disbursing officer. All other levies are served on the disbursing officer maintaining the pay account of the member concerned.

**b. Air Force and Marine Corps.** IRS sends all levies, regardless of member's location to Air Force Accounting and Finance Center (AFAFC/MPSAI) or Marine Corps Finance Center (Code CPJ), as appropriate. The center forwards a copy of the levy to the local disbursing officer for the member.

### 70113. Combat Zone and Missing Status Postponement

Collection due to receipt of a notice of levy will be postponed while the member is:

a. Serving in a combat zone and for 180 days thereafter;

b. Hospitalized outside the 50 states and the District of Columbia as a result of service in a combat zone and for 180 days thereafter;

c. In a status of missing (i.e., missing in action; interned in a foreign country; captured, beleaguered or besieged by a hostile force; or detained in a foreign country against member's will) and until the 15th day of the third month following return to military jurisdiction. Disbursing officers receiving notices of levy served upon the pay of a member entitled to the foregoing postponements will return them, unexecuted, to the appropriate District Director of Internal Revenue. An endorsement will be made on the bottom of the IRS Form 668W to provide: the date of commencement of service in a combat zone or missing status, if known; and a statement either that the member is still serving in a combat zone, is still missing or is hospitalized outside the United States, or the date on which such service, missing status or hospitalization ended. However, if the postponement period has expired, the notice of levy will be executed in the normal fashion.

### 70114. Amounts Payable

Except when IRS determines a member's delinquent income tax is a problem case (see paragraph 70115), levies are satisfied in an amount not to exceed the member's "take home pay". After a levy has been served, the member may not start any new voluntary allotments until the tax liability is liquidated or until other arrangements are made with IRS (see paragraph 70121). However, if the member is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of minor children, an allotment may be started in an amount necessary to comply with such judgment.

★a. **Exemptions from Levy.** Allow a personal exemption of $325.00 a month for the member. Allow an additional exemption of $108.33 a month for each dependent listed on the Statement of Personal Exemptions (IRS Form 668-P). IRS Form 668-P is provided with the levy. Normally allow 3 workdays for return of IRS Form 668-P after receipt by the member. In cases where known unusual circumstances may delay return, request guidance from the IRS office that served the levy. In such case, the only disbursements to be made from the member's pay account are those required to cover the member's personal exemption ($325.00) and items (1) through (11) in b below.

b. **Exceptions from Levy.** The following items will be satisfied before levy is applied:

(1) FICA deductions,

(2) Withholding for current Federal and State income taxes (statutory amounts only),

(3) Amounts required to satisfy prior advance of pay,

(4) Amounts required to satisfy prior overpayments of pay and allowances,

(5) Court-martial and nonjudicial forfeitures,

(6) U.S. Soldiers' and Airmen's Home deductions,

(7) Allotments for annuity deductions under the Retired Serviceman's Family Protection Plan for retired members on active duty,

(8) Servicemen's Group Life Insurance deductions,

(9) Voluntary allotments for support of minor children which are authorized in compliance with court orders when entered prior to date of levy, and

(10) Pay attached or garnished for child support or alimony (see paragraph 70710g)

(11) Voluntary allotments in effect as of the date of receipt of the levy, unless the IRS determines that the member is voluntarily allotting pay to an extent that would defeat the purpose of the levy. (See paragraph 70115 for procedures for discontinuing voluntary allotments in "problem cases.")

c. **Exemptions and Exceptions are Equal to or Exceed Total Pay.** If total of a and b above equals or exceeds the member's total pay and allowances advise the IRS office that served the levy.

d. **Misrouted Forms.** Immediately forward any notice of levy or release of levy for members to the appropriate finance center.

### ★70115. Problem Cases

When IRS determines a member's delinquent income tax is a "problem case", IRS furnishes with the notice of levy: (1) Statement of amount of delinquent taxes, and (2) Statement that member's "take-home pay" is not enough to pay the levy and all available accrued pay should be attached. In such cases, use all items of pay and allowances including travel allowances and accrued leave settlement paid on discharge, less items indicated in paragraphs 70114a and b(1) through (11). Discontinue member's voluntary allotments (except for item (9), in paragraph 70114b) as necessary to pay the levy. If the amount of levy does not require stopping all voluntary allotments, the member selects allotments to be stopped. If the member does not select, the disbursing officer stops allotments as necessary. Stop insurance allotments last. The levy will continue in effect until the amount stated as due in the notice of levy is collected or until the levy is released by the IRS.

## SECTION C—INSTALLMENT COLLECTION OF DELINQUENT TAXES

### 70121. Agreement for Liquidation of Federal Tax Indebtedness by Payroll Deductions

A member may arrange with IRS to pay delinquent taxes by monthly deductions from pay. Agreements are made on IRS Form 2159. A member may not cancel an agreement before the tax indebtedness is completely liquidated. The services handle agreements as follows:

**a. Army.** Collect and pay to IRS as prescribed for payment of indebtedness to instrumentalities and agencies of the Government.

**b. Navy and Marine Corps.** Process the agreement as a T allotment if the period of liquidation is 3 months or longer. If the period is less than 3 months, the disbursing officer pays each month to IRS in the amount of the deduction.

**c. Air Force.** Process as class T allotment.

### 70122. Change of Member's Status During Liquidation Period

See table 7-1-2.

TABLE 7-1-1

TAXABILITY OF ITEMS OF MILITARY PAY AND/OR ALLOWANCES

| | A | B | C | D |
|---|---|---|---|---|
| R<br>U<br>L<br>E | **If item is** | **then item is taxable and subject to Federal/State Income tax withholding (note 5)** | **taxable but not subject to Federal/State income tax withholding (note 5)** | **not taxable (note 5)** |
| 1 | basic pay (note 1) | for any month combat zone exclusion does not apply | in amounts over $500 per month for commissioned officers (0-1 and above) for any month combat zone exclusion applies (note 2) | for enlisted members or warrant officers (W-1 through W-4), and up to $500 per month of such pay for commissioned officers (0-1 and above) for any month combat zone exclusion applies (note 2); or, for any member while in a missing status authorizing tax exclusion under the provisions of paragraph 70102b. |
| 2 | incentive pay for hazardous duty (flying, parachute, demolition, pressure chamber, human acceleration or deceleration, thermal stress, flight deck, submarine, and leprosarium (note 1)) | | | |
| 3 | special pay (enlistment bonus, medical, dental, veterinary and optometry; foreign and sea duty; duty subject to hostile fire or imminent danger; proficiency pay; continuation pay for dental and submarine officers; diving pay; and responsibility pay (note 1)) | | | |
| 4 | enlisted or warrant officer "Save-Pay" received by a commissioned officer (0-1 and above) | | | |

| | | | | |
|---|---|---|---|---|
| 5 | Reserve officers lump sum bonus | | | If member is separated from Service during a combat zone exclusion month (note 2). |
| 6 | lump sum payment for accrued leave (exclusive of allowances) | | | |
| ★7 | separation pay, readjustment pay, or severance pay (except) for disability) (note 6) | | | |
| 8 | contract cancellation pay | | | |
| 9 | Selective. Regular or Variable Reenlistment Bonus (including applicable installments) | if reenlistment or extension occurs in a month during which combat exclusion does not apply | | if reenlistment or extension occurs in a month during which combat exclusion applies. |
| 10 | pay forfeited by CM sentence or NJ punishment | | | and is a loss of entitlement to pay in the amount of the forfeiture (however, remaining pay is subject to tax withholding) (note 3). |
| 11 | pay detained by CM action or NJ punishment | | | before it is actually paid to member (see rule 1). |

TABLE 7-1-1—Continued

| RULE | A | B | C | D |
|---|---|---|---|---|
| | If item is | then item is taxable and subject to Federal/State income tax withholding (note 5) | taxable but not subject to Federal/State income tax withholding (note 5) | not taxable (note 5) |
| 12 | amount paid as advance or reimbursement for traveling or other ordinary and necessary expense of member in carrying on business of US Government (including temporary lodging allowance) | | and will not be reported on TD Form W-2 or 1099. Member will account for such payments on individual income tax return | |
| 13 | incentive payment paid to member for do-it-yourself move in accordance with JTR, para M8402 | at time of payment | | |
| 14 | Personal Money Allowance | | but will be reported on TD Form W-2 | |
| 15 | allowance, (exempt are BAS, BAQ, Partial BAQ, FSA, CMA and OS station allowances, except temporary lodging allowance) | | | at any time. |
| 16 | death gratuity | | | |
| 17 | otherwise taxable item of pay earned by member but unpaid at death. | | but will be reported on TD Form 1099 when paid to beneficiary (note 4) | if death occurs in month member was entitled to combat zone exclusion. |

NOTES:

1. Includes any one-time credits (back pay). Also includes detained pay when recredited to member.

2. Add payments (rules 1 through 9) made currently or at a later time for commissioned officer service (0-1 and above) to other pay for the month of service to determine the $500 exclusion.

3. This does not apply to fines imposed by CM or NJ punishment. Withhold tax from the member's full pay credited before deducting the fine. Report the full amount of the pay credited, without deducting the fine, as earned income.

4. Exception is pay earned for any month combat zone exclusion applies.

5. The susceptibility of items of military pay and allowances to State income taxes depends upon the law of the member's State of legal residence. Items of pay and allowance which are not subject to Federal income tax withholding (FITW), however, will not be subject to State income tax withholding (SITW). Items of pay and allowances subject to FITW will be subject to SITW if member's State of legal residence has entered into a withholding agreement with Secretary of the Treasury. Total or partial exclusions by States of military pay from income will be recognized in the computation of the amount of State income tax to be withheld.

★6. Disability severance pay is not taxable when payable to an individual who on 24 Sep 1975, was a member of the armed forces of the United States or was under a binding written commitment to become such a member; on or before 24 Sep 1975 was entitled to receive disability retired pay or disability severance pay; or at any time entitlement accrues because of separation which results from combat-related injuries.

TABLE 7-1-2

## COLLECTION OF DELINQUENT TAXES BY INSTALLMENT—CHANGE OF MEMBER'S STATUS

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **When a member who has arranged with IRS for installment collection of delinquent taxes** | and | then | and |
| 1 | is discharged or released from active duty | immediately reenlists | deduct from member's pay as agreed with IRS without interruption | |
| 2 | | does not immediately reenlist | deduct from final pay enough to liquidate the remaining indebtedness, or all available if the remaining indebtedness is more than is available | notify IRS of the member's separation |
| 3 | enters a period of unauthorized absence for which pay and allowances are not payable | is a member of the Army or Air Force | deduct from member's pay and pay to IRS for the month the absence begins the amount agreed to or as much as is available if less than agreed to | suspend further deductions and payments for tax indebtedness until member is restored to a pay status. If deductions and payments are suspended at the time additional payment is due, so notify IRS. Remove suspension when member is restored to a pay status. Deduct and pay for the month of restoration as much as is available if less than agreed to |
| 4 | | is a member of the Navy or Marine Corps and a T allotment has not been established | | |
| 5 | | is a member of the Navy or Marine Corps and a T allotment has been established | cancel T allotment on the 15th day following the date absence began (or earlier if necessary to prevent allotment overpayment) | stop as prescribed by Navy and Marine Corps allotment procedures |

| | | | | |
|---|---|---|---|---|
| 6 | is retired from the Air Force | a T allotment has been established | allotment remains in effect | deductions required by allotment are made from retired pay. |
| 7 | is retired from the Army | an E allotment has been established | | |
| 8 | | an E allotment has not been established | deduct for the month of retirement or transfer, as agreed with IRS | notify member and IRS that new agreement must be made. |
| 9 | is a Navy or Marine Corps member and is transferred to the Fleet Reserve, Fleet Marine Corps Reserve or retired list and not immediately recalled to active service. | a T allotment has not been established | | |
| 10 | | a T allotment has been established | T allotment remains in effect | deductions required by T allotment are made from retired pay or retainer pay. |

## CHAPTER 2

## FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

### 70201. Legal Requirements

Effective 1 Jan 1957, the Servicemen's and Veteran's Survivor Benefits Act of 1956 extended Social Security coverage to members of the Armed Forces and subjected them to taxes therefore as prescribed by the Federal Insurance Contributions Act (FICA). These taxes are imposed on individuals and employees to provide funds for old age, survivors, and disability insurance. Effective 1 Jan 1966, an additional tax was imposed to provide hospital insurance (HI) benefits for the aged. The term "FICA," as used herein, applies to the total taxes deducted for both FICA and HI.

**a. Members Subject to FICA.** Any member appointed to, enlisted in, or inducted into any service, with or without component, is subject to FICA tax. Included are members serving:

(1) in any of the service academies,
(2) in aviation cadet status, and
(3) in a combat zone.

### ★70202. Taxable Wages

Only monthly basic pay, as determined by pay grade and length of service, received for the performance of active duty or active duty for training is subject to FICA taxes. The maximum wage subject to FICA tax during the calendar year is shown in subparagraph 70203f. In the case of a deceased member, the basic pay earned up to and including the date of death, within the maximum FICA taxable wage, is subject to FICA tax. Basic pay earned during a member's absence from duty because of injury, sickness, or hospitalization, is subject to FICA tax deduction. Amounts received as basic pay by a member prior to the Government's avoidance of his/her enlistment contract are subject to FICA tax deductions.

### 70203. Deduction of FICA Tax

**a. Amount of Tax.** Monthly tax amounts are shown in tables 1-2-5 through 1-2-8. Discontinue these deductions when the member's yearly basic pay equals the maximum amount subject to FICA withholding and the maximum tax has been deducted.

**b. Effect of Punishment, Absence, and Nonpay Status.** See table 7-2-2.

**c. More Than One Employer.** Deduct FICA tax without regard to any amounts previously or currently being deducted by another employer. Each military service is considered a separate employer, except that cross-servicing of a member's pay account by the services does not constitute a change of employers. A break in service within the same military service of any length of time does not constitute a change of employers. All FICA tax withheld during the calendar year is to be considered in determining the total amount withheld. If application of the foregoing principles results in a withholding in excess of the maximum employee's tax, the member may claim such excess from the service concerned and adjustments will be made accordingly.

**d. Retroactive Entitlements and Deductions.** Adjustments in basic pay (additions or deductions) will be considered as affecting the pay for the year in which made, and will be reflected in the quarter in which paid. Adjustments resulting from under or overpayments prior to 1 Jan 1957 will not be considered. Adjust in the quarter in which the retroactive entitlement or deduction of basic pay is entered in the member's pay account. All retroactive payments of basic pay are subject to FICA tax at the rates in effect at the time of payment. If the member has been discharged, released from active duty, or retired, issue a W-2 statement.

**e. Indebtedness at Discharge.** FICA taxes previously withheld may not be used to offset any indebtedness of a member on discharge, death, or release from active duty.

**f. Rate and Percentage Changes.** The percentage rate of tax deduction and the total maximum tax by calendar years are:

| Calendar Year | Basic FICA (%) | +HI (%) | = | FICA Total (%) | Maximum Taxable Wage | Maximum Tax |
|---|---|---|---|---|---|---|
| 1977 | 4.95 | 0.90 | | 5.85 | $16,500 | $ 965.25 |
| 1978 | 5.05 | 1.00 | | 6.05 | 17,700 | 1,070.85 |
| 1979 | 5.08 | 1.05 | | 6.13 | 22,900 | 1,403.77 |
| 1980 | 5.08 | 1.05 | | 6.13 | 25,900 | 1,587.67 |
| 1981 | 5.35 | 1.30 | | 6.65 | 29,700 | 1,975.05 |
| 1982 | 5.40 | 1.30 | | 6.70 | 32,400 | 2,170.80 |
| 1983 | 5.40 | 1.30 | | 6.70 | 35,700 | 2,391.90 |
| 1984 | 5.40 | 1.30 | | 6.70 | 37,800 | 2,532.60 |
| ★1985 | 5.70 | 1.35 | | 7.05 | 39,600 | 2,791.80 |

NOTE: The 6.7 percent FICA total for the service member is the result of a one-time credit in 1984. The employer FICA total for 1984 is 7.0 percent.

## 70204. Employer's Tax

Except as noted above, the employer's FICA tax is equal to the amount of FICA tax withheld from the member.

DELETE TABLE 7-2-1

**TABLE 7-2-2**

**EFFECT OF PUNISHMENT, ABSENCE, AND NONPAY STATUS**

| RULE | A | B |
|---|---|---|
| | **When a member** | **then** |
| 1 | is fined by court-martial and the fine is deducted from pay | the amount of the fine is subject to FICA tax |
| 2 | is required to forfeit pay as the result of court-martial or nonjudicial punishment | the forfeiture is a loss of entitlement to the basic pay involved and the amount so lost is *not* subject to FICA tax |
| 3 | has pay detained under court-martial or nonjudicial punishment | the amount detained is not subject to FICA tax until it is actually paid to the member |
| 4 | is absent without leave | the amount of basic pay deducted for the period is *not* subject to FICA tax |
| 5 | is confined by civil authorities under conditions which require loss of pay | |

# CHAPTER 3

## DEDUCTIONS FOR US SOLDIERS' AND AIRMEN'S HOME (ARMY AND AIR FORCE ONLY)

### 70301. Legal Requirements

The amount to be deducted for the maintenance of the United States Soldiers' and Airmen's Home (USSAH) is currently 50 cents per month or portion thereof. This amount is credited to the permanent trust fund of USSAH in the Treasury of the US. The Secretaries of the Army and Air Force may from time to time change the amount to be deducted, not to exceed 50 cents each month, if recommended by the Board of Commissioners of the Home to meet the needs of the USSAH.

### 70302. Applicability

a. **Members Subject to Deductions.** Deduct USSAH from the pay of the following personnel:

(1) All enlisted members in the regular Army or Air Force.

(2) All warrant officers in the regular Army or Air Force.

b. **Members Not Subject to Deductions.** Do not deduct USSAH from:

(1) Warrant officers or enlisted members of the reserves.

(2) Warrant officers or enlisted members of the AUS or AFUS.

(3) Selective trainees inducted into Federal service.

(4) Commissioned officers.

### 70303. Rate of Pay Not Affected

Deduction for USSAH does not reduce a member's rate of pay when the two-thirds rule is applied for collecting debts.

### ★70304. Precedence Over Other Stoppages

A deduction for USSAH applies against pay only. No deduction is made for any month during which the member is in a nonpay status for the entire month. It takes priority over all stoppages of pay except forfeitures of pay, Federal withholding taxes, and SGLI.

# CHAPTER 4

# SERVICEMEN'S GROUP LIFE INSURANCE (SGLI)

## 70401. Entitlement

Public Law 89-214, 29 Sep 1965, as amended by Public Law 91-291, 25 Jun 1970, and Public Law 92-315, 20 Jun 1972, and Public Law 93-289, 24 May 1974, provides for SGLI coverage. Effective 1 Dec 1981, this program automatically insures every member (including reservists; members, cadets or midshipmen of the Reserve Officers Training Corps and cadets and midshipmen of the service academies) against death in the amount of $35,000, when the member is performing full-time active duty or training duty under a call or order to duty not limited to 30 days or less; or, while on full-time duty as a cadet or midshipman at the service academies of the Armed Forces (see paragraph 50114). Members of the Ready Reserve (including National Guard members who are deemed to be members of the Ready Reserve) are automatically covered on a full-time basis. Certain members of the Retired Reserve are also covered on a full-time basis. SGLI is administered by the Veterans Administration.

## 70402. Elections

A member who does not desire the $35,000 SGLI coverage may elect, in writing, to be insured for $30,000, $25,000, $20,000, $15,000, $10,000, $5,000, or not to be insured. A member who elects either not to be insured or reduced coverage, may subsequently apply for $5,000, $10,000, $15,000, $20,000, $25,000, $30,000, or $35,000 SGLI coverage.

## 70403. Periods of SGLI Coverage.

See Table 7-4-1.

## 70404. Forfeiture of SGLI Coverage

Any person guilty of mutiny, treason, spying, desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States, or refuses to wear the uniform of such force, forfeits all rights to SGLI. This insurance is not payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States.

## ★70405. Deductions for SGLI

When a member is in a status referred to in paragraph 70401 (excluding Retired Reserves), the monthly deduction (effective 1 Jul 1984) is $2.80 for $35,000; $2.40 for $30,000; $2.00 for $25,000; $1.60 for $20,000; $1.20 for $15,000; $.80 for $10,000; $.40 for $5,000 SGLI coverage. The deduction will be made even though the member may have paid the yearly premium as a reservist not qualified for full-time coverage. For rules concerning starting and stopping SGLI deductions, see table 7-4-1.

## 70406. Refunds

Refunds will not be made of amounts deducted for automatic coverage before the effective date of an election not to be covered, or an election for a reduced amount of insurance. When a request for reinstatement of SGLI coverage is rejected by the Office or Servicemen's Group Life Insurance (OSGLI), premiums withheld will be credited to the member's pay account.

## 70407. Extra Hazard Costs

**a. Cost.** In addition to the deduction from the member's pay, each of the services contributes from its appropriations an amount representing the extra hazard cost of the insurance. Such costs are determined by the Administrator of Veterans Affairs.

**b. Payment.** The services centrally pay the amount deducted from their members and the extra hazard costs to the Veterans Administration.

## 70408. Settlement of SGLI Claims

Death claims are filed with the Office of Servicemen's Group Life Insurance. The order of precedence for payment is the same as prescribed for arrears of pay. (See section B, chapter 5, part four).

TABLE 7–4–1

EFFECTIVE DATES OF SGLI COVERAGE AND DEDUCTIONS

| RULE | A | B | C |
|---|---|---|---|
| | **When a member required to perform duty described in para 70401** | **then the effective date of** | **and SGLI deduction (note 6)** |
| 1 | enters such duty | coverage is the first day of entry on such duty (Full insurance coverage is automatically in effect unless the member has elected not to be insured or to be insured in a reduced amount (note 1)) | start the date of entry. (Do not prorate SGLI deductions for a partial month coverage. Deduct the full month's premium for coverage for the month of entry.) |
| 2 | resumes the obligation or reenters on such duty in the same Uniformed Service the day following termination of such period of obligation or duty (note 2) | insurance coverage (excluding elections of reduced or no coverage) is continuous (note 8) | continues at the appropriate rate. |
| 3 | elects reduced SGLI coverage after entry on such duty | coverage is the first day of the month following receipt by the Uniformed Service of the member's election, entered on VA Form 29–8286. or, if applicable, DA Form 41 | start in the reduced amount the first day of the month following receipt of the member's election. |
| 4 | applies for increase or reinstatement of SGLI coverage after entry on such duty | coverage is the date of receipt by the Uniformed Service of the application with evidence of good health (note 3) | start the date application is received by the Uniformed Service. |
| 5 | is covered by SGLI as a result of such duty is separated (discharged, released from active duty, retired, etc.) and does not reenter active duty or immediately requests or resumes Reserve duty coverage (note 7) | termination is 120 days after separation (note 4) | stop the month of separation. (Do not prorate SGLI deductions for partial month's coverage. Deduct full month's premium for the month of separation.) |

|  |  |  |  |
|---|---|---|---|
| 6 | elects not to covered under SGLI (declines or cancels) after entry on such duty | termination is the first day of the month following receipt by the Uniformed Service of the member's election, enter on VA Form 29-8286 | stop at the end of the month in which the member's election is received by the Uniformed Service. |
| 7 | is AWOL, confined by civil authorities under a sentence adjudged by a civilian court, or confined by military authorities under a court-martial sentence involving total forfeiture of pay and allowance for a continuous period of 31 days | termination of insurance coverage is at the end of the 31st day of such status (note 5) | stop at the end of the month in which the 31st day of such status is reached. |
| 8 | forfeits rights to SGLI under the provisions of para 70404 | termination is the date of conviction, refusal to perform service, or refusal to wear the uniform | stop at the end of the month in which coverage is terminated. |

NOTES:

1. Elections made by members of the Reserves, National Guard, and ROTC not to be insured or to be insured in a reduced amount under reserve status coverage (not eligible for full-time coverage) continue in effect during continuous obligation to perform duty in the same Uniformed Service, including periods of active duty or active duty for training under a call or order to duty not limited to 30 days or less (see rules 3 and 4 concerning application for reduction, increase, or reinstatement of SGLI coverage after entry on active duty).

2. A new period of coverage begins and new elections must be submitted when a member resumes an obligation to perform duty or reenters on duty in the same Uniformed Service more than one day following termination of previous obligation or duty; or when a member assumes an obligation to perform duty or enters on duty in a different Uniformed Service at any time. A member entering active duty after a break in service is automatically covered by the maximum SGLI coverage, until the member elects otherwise, even though the member may have converted former SGLI coverage to an individual policy following last discharge or release from active duty. A former member, insured under the Veterans Group Life Insurance (VGLI) Program, who declines SGLI coverage solely to maintain VGLI coverage, upon termination of VGLI, shall be automatically insured under SGLI if the member is otherwise qualified.

3. Increase or reinstatement of coverage is contingent upon written application by the member of VA Form 29-8285, Request for Insurance, and approval by the Office of Servicemen's Group Life Insurance (OSGLI).

4. In the case of members totally disabled on the date of separation from such duty the insurance shall cease 1 year after the date of separation or on the date the insured ceases to be totally disabled, whichever is earlier, but in no event prior to the expiration of 120 days after separation.

5. Members carried in an AWOL or confined status, except for an offense listed in paragraph 70404, remain eligible for SGLI

coverage. Insurance terminated under the provisions of rule 7, together with any elections made, will be automatically reinstated as of the date the member is restored to duty with pay. Premium deductions at the appropriate rate start the date the member is restored to duty with pay (Do not prorate SGLI deductions for partial month coverage. Deduct the full month's premium for coverage for the month of restoration to duty.)

6. Members in an excess leave status remain eligible for automatic SGLI coverage. Monthly premiums in such cases may be lodged as deductions against the member's pay accounts or collected in cash as prescribed in the procedures of the service concerned

7. Although SGLI coverage does not automatically terminate for a member who is transferred to or from extended active duty, Ready Reserve, or Retired Reserve, deduction from pay stops the month of separation.

8. Any previous election not to be insured or to be insured in a reduced amount is cancelled. Full insurance coverage of the maximum is automatically in effect unless the member again elects not to be insured or to be insured in a reduced amount.

# CHAPTER 5

## COURTS-MARTIAL SENTENCES

### 70501. Effect of Sentences on Pay and Allowances

a. **Forfeitures:**

(1) A sentence to partial forfeiture of pay deprives a member of the amount of pay stated in the sentence. The sentence applies for the number of months or days expressly stated.

(2) When a sentence includes forfeitures in addition to confinement, not suspended, the forfeitures will apply to pay (and allowances, if total forfeitures are adjudged) becoming due on and after the date the sentence is approved by the convening authority, unless the convening authority defers application of the forfeitures pending completion of further appellate review. When a sentence includes forfeitures and suspended confinement, or includes forfeitures without confinement, the forfeiture will apply to pay (and allowances, if total forfeitures are adjudged) becoming due on and after the date the sentence is ordered executed.

b. **Fines.** A fine is in the nature of a judgment. It makes a member pecuniarily liable to the United States for the amounts specified in the sentence. Fines are not self-executing. They are debts to the Government until:

(1) Paid in cash by the member,

(2) Collected by deduction from the member's current pay, or

(3) Collected by deduction on settlement of a member's pay account at discharge.

c. **Detention of Pay.** This is a less severe form of punishment which involves a temporary withholding of pay. Detained pay withheld by court-martial action is repaid at the expiration of the specified period of detention, which may not exceed 1 year from the date the sentence is ordered executed, or upon separation, whichever is earlier, except when such separation is for fraudulent or illegal enlistment, or desertion. For the purpose of this paragraph, separation means: discharge, release from active duty, retirement, death, or, in case of enlisted members, the date when they begin to serve on a voluntary extension of enlistment for any period of time.

d. **Forfeiture of Allowances.** Allowances are forfeited only when a sentence by a general court-martial includes forfeiture of all pay and allowances.

e. **Application of Forfeitures.** This means that forfeitures are withheld (as distinguished from collected) on and after the date a sentence is approved by the convening authority. It applies when a court-martial sentence, as approved by the convening authority, includes forfeiture and confinement, not suspended, or deferred, and the sentence is such that further appellate review is required before the sentence can be ordered executed.

f. **Execution of Forfeitures.** This means actual collection of forfeitures when a sentence is ordered executed. The order of execution authorizes the collection of any monies withheld during the period specified in the convening authority's initial order to apply the forfeitures, and any monies remaining to be collected from current pay during the remainder of the period of the approved sentence. If any amount ordered forfeited is not actually withheld or collected during the period specified by the approved sentence, such amount may be involuntarily collected as an erroneous payment as provided in rule 5, table 7-7-1, at a rate not to exceed the maximum authorized by rule 1, table 7-7-6. However, the collection rate will not be less than that fixed by the approved sentence.

### 70502. Requirement for Reduction in Grade Under Certain Court-Martial Sentences

Unless otherwise provided in regulations of the service concerned, a court-martial sentence, as approved by the convening authority, which includes dishonorable or bad conduct discharge, confinement, or hard labor without confinement, by operation of law requires reduction of an enlisted member to pay grade E-1 effective on the date of that approval. If the sentence of a member who is thus reduced in pay grade is set aside or disapproved, or, as finally approved, does not include any of the above punishment, all rights and privileges denied the member because of the reduction are restored. Member

is entitled to the pay and allowances to which member would have been entitled, for the period the reduction was in effect, had the grade reduction not been applied. The individual services apply reduction in this instance as follows:

**a. Army.** An accused may be retained in the grade held at the time of the sentence or in any intermediate grade if the convening or higher authority, taking initial action on the case suspends all elements of the sentence which would otherwise require reduction to pay grade E-1 by operation of law and provides for retaining the member's present or intermediate grade as set forth in AR 600-200. When the action set forth in AR 600-200 is not taken, the member is reduced to pay grade E-1 effective on the date the sentence is approved by the convening authority.

**b. Navy and Marine Corps.** At member's sole discretion, the convening authority or supervisory authority may retain the accused in the pay grade held at the time of sentence or an intermediate pay grade and suspend the automatic reduction to pay grade E-1 which would otherwise be effected. The automatic reduction may be suspended without regard to whether any part of the approved sentence was suspended. Additionally, the convening authority may direct that the accused serve in pay grade E-1 while in confinement but be returned to the pay grade held at the time of sentence or an intermediate pay grade upon release from confinement. If, however, the adjudged sentence included a reduction in pay grade, the reduction in pay grade should be suspended for the same period as the automatic reduction is suspended. Failure of the convening authority to address automatic reduction will result in the automatic reduction to pay grade E-1 on the date of the convening authority's action.

**c. Air Force.** Effective with court-martial sentences adjudged on and after 1 May 1975, involving enlisted members, an automatic reduction to pay grade E-1 is no longer prescribed by the Air Force. Any reduction in grade must be expressly stated in the court-martial sentence. If the sentence includes an approved reduction, as well as punitive discharge, confinement at hard labor, or hard labor without confinement, the member will be reduced under Article 58a, UCMJ, at the time of action by the convening authority. The reduction, if approved, will not be delayed until completion of appellate review under Article 71(c), UCMJ.

## 70503. Forfeitures

**a. Pay Subject to Forfeiture.** Forfeitures, other than total forfeitures apply to:

(1) Basic pay, based on the member's years of service, and

(2) Career sea pay or foreign duty pay, provided such pay continues to accrue after the effective date of the sentence.

(3) An allotment made voluntarily.

**b. Pay Not Subject to Forfeiture.** Forfeitures, other than total forfeitures, do not apply to special (other than sea or foreign duty pay) or incentive pay.

**c. Taxes.** A forfeiture is a loss of entitlement to the pay involved. Consequently, forfeitures are not taxed. Compute the amount of pay to be forfeited before withholding for Federal/State income and FICA taxes. Compute taxes on the gross pay remaining after deductions of the forfeiture.

**d. Reduction in Grade.** If a member's sentence includes or requires a reduction in grade, apply forfeitures to the pay of the grade to which reduced.

**e. Concurrent Forfeitures.** When two or more sentences require forfeitures for a concurrent period, the amount stated in each sentence is forfeited only for the specified period. If each forfeiture results from a court-martial under which the maximum forfeiture which could be imposed is two-thirds of the pay subject to forfeiture, collect only two-thirds of the pay subject to forfeiture, for the concurrent period. Following the concurrent period, pay is forfeited under the remaining sentence at the rate specified in the sentence for the time remaining in that sentence.

## 70504. Execution of Court-Martial Sentences—Appellate Review Requirements.

See table 7-5-1.

## 70505. Effective Dates of Forfeitures and Fines

**★a. Execution of Forfeitures.** If authorized to order forfeitures applied or executed at the time of initial action (see table 7-5-1, rule 4), the convening authority may order the forfeitures to be executed, suspended, applied as of the date of convening authority action or deferred until some future date. The sentence to forfeitures is effective on the date specified by the convening authority.

★**b. Application of Forfeitures.** If a sentence of a court-marital as lawfully adjudged and approved includes a forfeiture of pay and allowances in addition to confinement not suspended or deferred, and the convening authority cannot order the sentence into execution (see table 7-5-1, rules 1, 2, and 3), the forfeitures may apply to pay and allowances becoming due on or after the date the sentence is approved by the convening authority. The convening authority should state in the action whether the forfeitures should apply to pay and allowances becoming due on and after the date of the convening authority action or whether the application of the forfeitures is deferred until the sentence is finally approved and ordered executed. If nothing is said in the action the forfeitures apply after the date of the action.

**c. No Confinement or Confinement Suspended.** Forfeitures may not be applied to pay and allowances when a sentence of a court-marital as lawfully adjudged and approved includes no confinement, or confinement suspended or deferred. Forfeitures in such a case do not become effective until the sentence is ordered into execution. See table 7-5-1 for when sentences can be ordered into execution.

**d. Prior Forfeitures.** A convening authority may defer execution of a forfeiture until a prior sentence to a forfeiture is fully executed.

**e. Fines.** A sentence to a fine is effective on the date the sentence is ordered executed.

## 70506. Loss of Pay and Allowances When Confined Under Sentence to Dishonorable Discharge—Army and Air Force

Pay and allowances of an enlisted member of the Army or Air Force who is in confinement under sentence of a dishonorable discharge, the execution of which has been suspended, accrue only until the affirmance of the discharge upon completion of the required appellate review under Article 71 of the UCMJ.

## 70507. Collection

**a. Forfeitures.** Since court-martial forfeitures constitute a loss of entitlement of the pay concerned, they take precedence over all debts.

**b. Fines.** Fines constitute an indebtedness to the United States. They may not be collected from an enlisted member's deposits, or interest thereon. Collect fines within the individual services as follows:

(1) Army and Air Force. Fines may be collected involuntarily from the current pay of enlisted members. They are collected after all other prior indebtedness for the period involved has been collected. If prior deductions total two-thirds of the member's pay for any month, no pay accrues against which fines may be applied. In such case, defer collection of fines until pay accrues against which they may be applied. Fines may not be collected involuntarily from the current pay, as distinguished from final pay, of an officer.

(2) Navy and Marine Corps. Fines may not be collected involuntarily from the current pay of any member of the Navy or Marine Corps. If a member consents to collection from member's pay, a fine is collected in accordance with the terms of member's consent. Member may request one-time collection or collection in stated monthly installments. If a member does not pay the fine in cash and does not consent to collection from current pay, the fine is collected from final pay when the member is separated.

**c. Detentions of Pay.** Withhold detentions of pay from member's current pay. For Army and Air Force members, withhold like fines (after prior indebtedness for the period involved has been collected). If prior deductions of an Army or Air Force member total two-thirds of the member's pay for any month, no pay accrues against which detentions may be applied. In such case, defer detention until pay accrues against which they may be applied.

**d. Rate of Collection.** Charge forfeitures and detentions of pay, as approved and ordered executed, against a member's pay at the rate required by the sentence until the sentence is fully satisfied. Forfeitures and detentions of pay are considered as collected from day to day as pay accrues. Prorate the monthly rate of forfeiture or detention on a daily basis for a portion of a month. The amount of forfeiture, fine, or detention of pay is governed by the language of the sentence. For example, a sentence to forfeit $20 per month for 6 months means a forfeiture of $120 to be collected at $20 per month. Pay cannot be forfeited by implication. For example, a sentence reading "to be confined for 2 months and to forfeit $60 of his pay for a like period," does not mean a forfeiture of $60 per month for two months, or a total of $120, but means a forfeiture of only $60.

**e. Non-Pay Status.** During periods when a member is in a non-pay status, pay does not accrue against which forfeiture, detention of pay, or fines can apply. Do not count such periods in computing the time during which pay is forfeited for a specific period.

**f. Restoration to Duty.** A member restored to duty following a non-pay status is again entitled to pay against which forfeitures, fines, and detentions of pay may apply.

**g. Service Beyond ETS For Medical Care.** The pay and allowances of an enlisted member retained beyond ETS for medical care or hospitalization are subject to forfeitures, fines, and detentions of pay.

**h. Non-Collection Due to Administrative Error.** Collect court-martial forfeitures not collected due to administrative error when the error is discovered. Collection may be made for the court-martial forfeiture or for erroneous payments made during the period covered by the sentence. Indebtedness of this type cannot be remitted under statutes authorizing remission of indebtedness.

**i. Pay Due or Accrued.** Pay of a member subject to forfeiture by sentence of court-martial is pay which is earned on and after the effective date of the forfeiture. See paragraph 70505.

## 70508. Remission, Suspension, and Cancellation of Forfeitures

**a. Death or Separation.**

(1) The death or discharge of a member under a suspended sentence operates as a complete remission of any unexecuted or unremitted part of a sentence.

(2) Discharge, release from active duty, or death of a member under an unsuspended sentence to forfeiture cancels any uncollected portion of the forfeiture which would extend beyond the date of discharge, release, or death.

**b. End of Term of Service, Unauthorized Absence, or Desertion.** The end of term of service of a member in military confinement, the unauthorized absence, or desertion of a member, stops collections of uncollected forfeitures since no pay accrues against which forfeitures can operate. If an unauthorized absentee or deserter is restored to pay status, resume otherwise proper collections.

**c. Extension of Enlistment.** When enlisted member begins to serve on a voluntary extension of enlistment, cancel any uncollected forfeitures or detentions of pay, the collection period of which would extend beyond the normal expiration of term of service. Involuntary extensions of enlistments do not interrupt collection of forfeitures or detentions of pay.

**d. Restoration to Duty.** A member under sentence to dishonorable or bad conduct discharge, total forfeiture, and confinement, released from confinement and restored to duty, is entitled to pay and allowances from the date restored to duty and the forfeiture becomes inoperative thereafter. This applies even though no other action may have been taken to suspend, remit, or mitigate the sentence to total forfeitures. A restoration to duty to serve out an incomplete enlistment, from which an enlisted member has received a sentence of dishonorable or bad conduct discharge, revives partial unsatisfied forfeitures or detentions of pay.

**e. Effective Date.** Except when a later date is specified, an order remitting, mitigating, or suspending the unexecuted portion of a sentence is effected from and including the date of the order. Such an order relieves the member of the unexecuted portion of the forfeiture, fine, or detention of pay on and after the effective date.

**f. Results of Remission or Suspension.** When an unexecuted portion of a sentence to forfeiture, fine, or detention of pay is remitted or suspended, the member is no longer subject to the unexecuted forfeiture, fine, or detention of pay. If forfeitures have been applied (as distinguished from collected), the member is relieved of such forfeitures.

**g. Vacation of Suspension.** When a suspension of a forfeiture, fine, or detention of pay is vacated the uncollected forfeiture, fine, or detention of pay is revived and proper for collection.

## 70509. Sentences Disapproved or Set Aside

**a. When New Trial or Rehearing is Not Ordered.** When a court-martial sentence is set aside or disapproved and a new trial or rehearing is not ordered, all rights, privileges, and property affected by the executed part of the sentence are restored to the member. Such restoration includes any executed forfeiture and any pay and allowances lost as a result of an executed reduction in grade.

**b. New Trial or Rehearing Ordered.**

(1) When an executed court-martial sentence which includes a forfeiture is set aside or disapproved, and a new trial or rehearing is ordered which results in an approved sentence to forfeiture, credit the member with the amount of any forfeiture effected under the first sentence. When an unexecuted court-martial sentence which includes a forfeiture is set aside or disapproved and a rehearing is ordered, the member is entitled to full pay and allowances (subject to other proper deductions) for the period from the convening authority's action on the original sentence until the convening authority's action on the subsequent sentence. Entitlement to pay and allowances thereafter depends on the terms of the new sentence.

(2) When a previously executed dishonorable or bad conduct discharge is not imposed by a new trial, the member is entitled to the pay and allowances which he would have received had the dishonorable or bad conduct discharge not been executed. When a previously executed dismissal of an officer is not imposed by a new trial, an administrative discharge is substituted. The President may reappoint the officer to the grade and rank he would have attained if he had not been dismissed. The total time between the dismissal and reappointment is considered as actual service for all purposes, including pay and allowances.

## 70510. Reimbursement of Pay Withheld Under Illegal Sentences

A member is entitled to reimbursement for pay withheld under an illegal sentence of a court-martial.

## 70511. Disposition of Courts-Martial Forfeitures and Fines

**a. Army and Air Force.** Transfer courts-martial forfeitures and fines of regular warrant officers and regular enlisted members to the Soldiers' and Airmen's Home Permanent Fund. The transfer of only such amounts which are in excess of indebtedness to the Government is authorized.

(1) Separation From Service Not Involved. When a regular warrant officer or regular enlisted member has been sentenced by a court-martial to forfeit all or part of his pay, no part of the forfeiture is creditable to the Soldiers' and Airmen's Home Permanent Fund until amounts equal to all outstanding indebtedness to the Government has been withheld. As soon as the amount of pay forfeited equals the unliquidated indebtedness, credit the remaining amount of the forfeiture and amounts thereafter collected to offset the debt to the Soldiers' and Airmen's Home Permanent Fund.

(2) Members Who are Being Separated from Service. A court-martial forfeiture of a regular warrant officer or regular enlisted member is not credited to the Soldiers' and Airmen's Home Permanent Fund when the member has unsatisfied indebtedness at date of separation, except indebtedness shown in (3) below. It remains in the military personnel appropriation. If the unsatisfied debt at separation is less than the forfeiture, credit the difference between the aggregate unsatisfied debt and the forfeiture to the Soldiers' and Airmen's Home Permanent Fund. (For example: If the uncollected indebtedness is $500 and forfeiture is $600, credit the difference of $100 between the unsatisfied indebtedness and the forfeiture to the Soldiers' and Airmen's Home Permanent Fund.) Transfer amounts collected afterward to counterbalance the indebtedness not to exceed the aggregate forfeiture, less amounts previously credited to the Soldiers' and Airmen's Home Permanent Fund.

(3) Indebtedness After Forfeiture Becomes Effective. If debts occur to a regular warrant officer or regular enlisted member after a court-martial has been executed and before credit of the forfeiture has been made to the Soldiers' and Airmen's Home Permanent Fund, such debts will not affect the disposition of the forfeiture. Credit the forfeiture to the Soldiers' and Airmen's Home Per-

manent Fund as if the indebtedness did not exist.

(4) Remission of Indebtedness. If a court-martial forfeiture of a regular warrant officer or regular enlisted member is not credited to the Soldiers' and Airmen's Home Permanent Fund due to outstanding debts, and the unliquidated portion of the debts are thereafter remitted or cancelled, do not credit the forfeiture that equals the amount of indebtedness remitted or cancelled to the Soldiers' and Airmen's Home Permanent Fund. It remains in the military personnel appropriation.

(5) Commissioned Officers and Reserve Enlisted Members. Credit courts-martial forfeitures and fines of Regular and Reserve commissioned officers and Reserve enlisted members to the appropriation to which the member's pay is properly chargeable.

**b. Navy and Marine Corps.** Credit courts-martial forfeitures and fines to the appropriation to which the member's pay is properly chargeable.

TABLE 7-5-1

EXECUTION OF COURT-MARTIAL SENTENCES—APPELLATE REVIEW REQUIREMENTS

| R U L E | A | B | C |
|---|---|---|---|
| | **When a court-martial sentence** | **the sentence may** | **who** |
| 1 | involves a general or flag officer or includes the death penalty | not be executed until reviewed and approved by the President | will approve the sentence or any part or commuted form of the sentence, as he sees fit. He may suspend execution of all or any part of the sentence which he approves except a death sentence |
| 2 | involves dismissal of a commissioned officer (other than a general or flag officer) or a cadet or midshipman | not be executed until reviewed by the Secretary of the Department concerned or by an Under Secretary or Assistant Secretary designated by the Secretary | will approve the sentence or any part or commuted form of the sentence, as he sees fit. He may suspend execution of any part of a sentence which he approves |
| 3 | includes, unsuspended, a dishonorable or bad conduct discharge or confinement for one year or longer | not be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals | will affirm the sentence, or part of the sentence found to be correct in law and fact |
| 4 | does not include any of the conditions stated in rules 1, 2, and 3 above | be ordered executed by the convening authority | may suspend or defer the execution of any sentence |

TABLE 7-5-2

APPLICATION AND EXECUTION OF COURTS-MARTIAL SENTENCES INVOLVING DISHONORABLE DISCHARGE

|  | A | B | C | D | E | F | G | H | I | J |
|---|---|---|---|---|---|---|---|---|---|---|
| RULE | When a court-martial sentence to dishonorable discharge also includes | and the convening authority approves the sentence |  |  |  | then pay and allowances |  | and forfeitures are |  |  |
|  |  |  |  |  |  |  |  | applied (withheld) on and after the date of approval by the convening authority | executed (collected) on and after the date |  |
|  |  | as adjudged | and defers forfeiture until the sentence is ordered executed | and suspends the DD | and suspends the DD and orders the sentence executed | accrue until | and are |  | of approval by the convening authority | the sentence is finally approved and ordered executed |
| 1 | total forfeiture and confinement for 1 year or longer | X |  |  |  | sentence is finally approved and ordered executed | not paid to the member | X |  | X |
| 2 |  |  | X |  |  |  | paid to the member |  |  | X (note 1) |
| 3 |  |  |  | X |  | (note 2) | (note 2) | X |  | X |
| 4 | total forfeiture, confinement for less than 1 year | X |  |  |  | sentence is finally approved and ordered executed | not paid to the member | X |  | X |
| 5 |  |  | X |  |  |  | paid to the member |  |  | X (note 1) |
| 6 |  |  |  |  | X | (note 2) | (note 2) |  | X |  |
| 7 | partial forfeiture confinement for 1 year or longer | X |  |  |  | sentence is finally approved and ordered executed | paid to the member subject to partial forfeiture | X |  | X |
| 8 |  |  | X |  |  |  | paid to the member |  |  | X (note 1) |
| 9 |  |  |  | X |  | (note 2) | (note 2) | X |  | X |
| 10 | partial forfeiture confinement for less than 1 year | X |  |  |  | sentence is finally approved and ordered executed | paid to the member subject to partial forfeitures | X |  | X |
| 11 |  |  | X |  |  |  | paid to the member |  |  | X (note 1) |
| 12 |  |  |  |  | X | (note 2) | (note 2) |  | X |  |

TABLE 7-5-2—Continued

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 13 | forfeiture | X | | | | sentence is finally approved and ordered executed | paid to the member | | | X (note 1) |
| 14 | | | | | X | suspension of DD is vacated and DD is ordered executed | paid to the member subject to forfeiture (note 3) | | X | |
| 15 | confinement for 1 year or longer | X | | | | sentence is finally approved and ordered executed | paid to the member | | | |
| 16 | | | | X | | (note 2) | (note 2) | | | |
| 17 | confinement for less than 1 year | X | | | | sentence is finally approved and ordered executed | paid to the member | | | |
| 18 | | | | | X | (note 2) | (note 2) | | | |

NOTES: 1. Although sentence to forfeiture is ordered executed, pay and allowances against which forfeitures may operate do not accrue after the discharge is ordered executed.
2. Pay and allowances accrue to all members until the sentence is approved and ordered executed (or affirmed, as appropriate). After completion of appellate review, any amounts accrued in excess of applied or executed forfeitures are paid to the member. For Army and Air Force enlisted members, pay and allowances do not accrue beyond the date the sentence is approved and ordered executed (or affirmed) while the member is in confinement under suspended dishonorable discharge (see para 70506). For all other members, pay and allowances continue to accrue after the sentence is approved and ordered executed (or affirmed) while the member is in confinement under suspended dishonorable discharge and any amounts in excess of executed forfeitures are paid to the member.

3. When total forfeiture is involved, no payment is made to the member after the order of execution by the convening authority.

TABLE 7-5-3

## APPLICATION AND EXECUTION OF COURTS-MARTIAL SENTENCES INVOLVING BAD CONDUCT DISCHARGE

| | A | B | C | D | E | F | G | H | I | J |
|---|---|---|---|---|---|---|---|---|---|---|
| | | and the convening authority approves the sentence | | | | Then pay and allowances | | and forfeitures are | | |
| | | | | | | | | | executed (collected) on and after the date | |
| RULE | when a court-martial sentence to bad conduct discharge also includes | as adjudged | and defers forfeiture until the sentence is ordered executed | and suspends the BCD | and suspends the BCD and orders the sentence executed | accrue until | and are | applied (withheld) on and after the date of approval by the convening authority | of approval by the convening authority | the sentence is finally approved and ordered executed |
| 1 | total forfeiture and confinement for 1 year or longer | X | | | | sentence is finally approved and ordered executed | not paid to the member | X | | X |
| 2 | | | X | | | | paid to the member | | | X (note 1) |
| 3 | | | | X | | suspension of BCD is vacated and BCD is ordered executed | not paid to the member | X | | X |
| 4 | total forfeiture and confinement for less than 1 year | X | | | | sentence is finally approved and ordered executed | | X | | X |
| 5 | | | X | | | | paid to the member | | | X (note 1) |
| 6 | | | | | X | suspension of BCD is vacated and BCD is ordered executed | not paid to the member | | X | |

TABLE 7-5-3—Continued

|  | A | B | C | D | E | F | G | H | I | J |
|---|---|---|---|---|---|---|---|---|---|---|
|  |  | and the convening authority approves the sentence |  |  |  | Then pay and allowances |  | and forfeitures are |  |  |
|  |  |  |  |  |  |  |  | applied (withheld) on and after the date of approval by the convening authority | executed (collected) on and after the date |  |
| RULE | when a court-martial sentence to bad conduct discharge also includes | as adjudged | and defers forfeiture until the sentence is ordered executed | and suspends the BCD | and suspends the BCD and orders the sentence executed | accrue until | and are |  | of approval by the convening authority | the sentence is finally approved and ordered executed |
| 7 | partial forfeiture and confinement for 1 year or longer | X |  |  |  | sentence is finally approved and ordered executed | paid to the member subject to partial forfeiture | X |  | X |
| 8 |  |  | X |  |  |  | paid to the member |  |  | X (note 1) |
| 9 |  |  |  | X |  | suspension of BCD is vacated and BCD is ordered executed | paid to the member subject to partial forfeitures | X |  | X |
| 10 | partial forfeiture and confinement for less than 1 year | X |  |  |  | sentence is finally approved and ordered executed |  | X |  | X |
| 11 |  |  | X |  |  |  | paid to the member |  |  | X (note 1) |
| 12 |  |  |  |  | X | suspension of BCD is vacated and BCD is ordered executed | paid to the member subject to partial forfeitures |  | X |  |
| 13 | forfeiture | X |  |  |  | sentence is finally approved and ordered executed | paid to the member |  |  | X (note 1) |
| 14 |  |  |  |  | X | suspension of BCD is vacated and BCD is ordered executed | paid to the member subject to forfeitures (note 2) |  | X |  |

TABLE 7-5-3—Continued

| R U L E | A | B | C | D | E | F | G | H | I | J |
|---|---|---|---|---|---|---|---|---|---|---|
| | | and the convening authority approves the sentence | | | | Then pay and allowances | | and forfeitures are | | |
| | | | | | | | | applied (withheld) on and after the date of approval by the convening authority | executed (collected) on and after the date | |
| | When a court-martial sentence to bad conduct discharge also includes | as adjudged | and defers forfeiture until the sentence is ordered executed | and suspends the BCD | and suspends the BCD and orders the sentence executed | accrue until | and are | | of approval by the convening authority | the sentence is finally approved and ordered executed |
| 15 | confinement for 1 year or longer | X | | | | sentence is finally approved and BCD is ordered executed | paid to the member | | | |
| 16 | | | | X | | suspension of BCD is vacated and BCD is ordered executed | | | | |
| 17 | confinement for less than 1 year | X | | | | sentence is finally approved and ordered executed | | | | |
| 18 | | | | | X | suspension of BCD is vacated and BCD is ordered executed | | | | |

NOTES: 1. Although sentence to forfeiture is ordered executed, pay and allowances against which forfeitures may operate do not accrue after discharge is ordered executed.
2. When total forfeiture is involved no payments are made to the member.

# CHAPTER 6

# NONJUDICIAL PUNISHMENT

## 70601. Authority

Under authority of Article 15, Uniform Code of Military Justice (10 USC 815), authorized commanders may impose nonjudicial punishment for minor offenses without resorting to courts-martial.

## 70602. Authorized Punishments Affecting Pay

Nonjudicial punishments which affect pay are forfeiture of pay, detention of pay, reduction in grade, or combinations of these. Except as provided in this chapter, provisions of chapter 5, this part, relating to forfeiture and detention of pay and reduction in grade by courts-martial also apply when such penalties are imposed as nonjudicial punishment.

## 70603. Limitations

**a. Detention of Pay.** Pay may be detained for a stated period of not more than one year.

**b. Maximum Forfeiture and/or Detention of Pay.** The maximum forfeitures and/or detentions of pay which may be imposed under Article 15, UCMJ, are outlined in Chapter XXVI and Appendix 2 of the Manual for Courts-Martial, United States 1969.

**c. Concurrent Court-Martial and Nonjudicial Forfeitures.** When nonjudicial forfeitures run concurrently with partial court-martial forfeitures which are subject to the two-thirds limitation, the maximum total amount collectible is two-thirds of the pay subject to forfeiture.

**d. Reduction in Grade.** When punishment includes both reduction in grade, whether or not suspended, and detention or forfeiture of pay, the detention or forfeiture is based on the grade to which reduced.

**e. Combined Punishments:**

(1) **Navy, Marine Corps, and Air Force.** Combinations of forfeitures and detentions of pay may be imposed on Navy, Marine Corps, and Air Force members, if there is an apportionment. When they are combined, the specific terms (dollars per month and number of months) of each punishment must be stated.

(2) **Army.** Combinations of forfeitures and detentions of pay may not be imposed on Army members either concurrently or consecutively.

## 70604. Suspension, Remission and Mitigation

See Table 7-6-1.

## 70605. Execution of Punishment During Appeal Procedures

A member who incurs nonjudicial punishment considered unjust or out of proportion to the offense may, through proper channels, appeal to the next higher authority. The member may be required to undergo the adjudged punishment pending determination of the appeal. (Air Force: See AFR 111-9).

## 70606. Effective Dates

Forfeitures, detentions of pay, and reduction in grade, if unsuspended, are effective on the date the commander imposes the punishment. However, for Navy and Marine Corps members, nonjudicial forfeitures or detentions do not run concurrently. If a forfeiture or detention is imposed while a prior forfeiture or detention is still in effect, it will not commence until the prior forfeiture or detention is completed. Forfeitures and detentions of pay may not be applied to pay which accrued before imposition of the punishment. When a forfeiture or detention of pay is suspended, the suspension takes effect on the date of the action. When a member is restored to a higher grade by suspension of a reduction, the member is entitled to pay of the higher grade from the date of suspension only. If, however, a reduction or forfeiture is set aside and all rights, privileges, and property affected by it are restored, the member is entitled to pay as though the reduction had never been imposed. When the suspension of a punishment is vacated the effective date for pay purposes is the date of the vacation.

### 70607. Repayment of Detained Pay.

See Table 7-6-2.

### 70608. Dispositions of Forfeitures Collected by Nonjudicial Punishment

a. Forfeitures imposed on Navy and Marine Corps members are retained in the appropriation for pay of the particular service.

★ b. Forfeitures imposed on Army and Air Force members are handled as follows:

(1) Transfer forfeitures of regular warrant officers and regular enlisted members to the Soldiers' and Airmen's Home Permanent Fund effective 1 October 1981. Transfer only such amounts which are in excess of indebtedness due the US Government.

(2) Retain forfeitures of Regular and Reserve commissioned officers and Reserve Warrant officers and Reserve enlisted members in the appropriation for pay of the particular service.

### 70609. Withholding and FICA Tax on Detained Pay

Pay is not subject to Federal/State withholding and FICA tax when it is detained. Tax may be withheld only when the member actually receives pay.

### 70610. Use of Detained Pay to Satisfy Indebtedness

At the time of payment to the member, detained pay may be used to satisfy an indebtedness to the US to the same extent as current pay.

TABLE 7-6-1

## SUSPENSION, REMISSION, SETTING ASIDE, AND MITIGATION OF NONJUDICIAL PUNISHMENT

| R U L E | A | B | C | D |
|---|---|---|---|---|
| | **When nonjudicial punishment is** | **and the punishment has** | **the officer imposing the punishment, or the successor in command, may suspend the punishment probationally** | **or** |
| ★1 | reduction in grade | not been executed (note 2) | at any time | remit or set the reduction aside, or mitigate it to a forfeiture or detention of pay (note 1). |
| 2 | forfeiture of pay | | | remit or set the forfeiture aside, (in whole or in part) or mitigate it to lesser forfeiture or detention of pay (note 3). |
| 3 | detention of pay | | | remit or set the detention aside (in whole or in part) or mitigate it to lesser detention of pay. |
| ★4 | reduction in grade | been executed | only within 4 months after imposition | set the punishment aside in whole or in part or mitigate it to forfeiture or detention of pay (notes 1 and 4). |
| 5 | forfeiture | | | set the punishment aside in whole or in part (note 4). |
| 6 | detention of pay | | | |

NOTES:

1. If mitigated, the amount of forfeiture or detention may not be greater than the amount that could have been imposed initially by the officer who imposed the reduction in grade.

2. An uncollected forfeiture of pay is considered to be unexecuted during the period for which it was imposed. Upon the expiration of the forfeiture period all unsuspended forfeitures, whether or not collected, are fully executed, but see para 70606.

3. If mitigated to detention of pay, the amount of detention may not be greater than the amount of forfeiture.

4. Usually, this is done within 4 months after the punishment has been executed.

**TABLE 7-6-2**

**PAYMENT OF PAY DETAINED BY NONJUDICIAL PUNISHMENT**

| R<br>U<br>L<br>E | A | B |
|---|---|---|
| | **When pay of a member has been detained under nonjudicial punishment and the member** | **detained pay is paid to the** |
| 1 | remains in service under the same term of service | member at the end of the detaining period, computed from the date the punishment was imposed. |
| 2 | is discharged, separated, or released from active duty before the end of the detaining period | member at the time of discharge, separation, or release from active duty. |
| 3 | voluntarily extends the enlistment | member when service on the extension commences. |
| 4 | dies | beneficiary when the pay account is settled. |

# CHAPTER 7

# STOPPAGES AND COLLECTIONS OTHER THAN COURT-MARTIAL FORFEITURES

## SECTION A—VOLUNTARY AND INVOLUNTARY COLLECTIONS

### 70701. Collection With Member's Consent

Disbursing officers may withhold the pay of members who voluntarily accept liability for indebtedness to the US and agree to the repayment in accordance with rule 2, table 7–7–6.

### 70702. Collection Without Member's Consent

**a. Current Pay.**

(1) Current pay is available for repayment of an indebtedness without the member's consent only if such recovery is expressly authorized by statute.

(2) Where tables 7–7–1 through 7–7–5 authorize collection to be made "involuntarily," there is a statute authorizing such collection. When the indebtedness is a type for which there is no statute authorizing collection from pay, the tables authorize collection "with member's consent." A statute authorizes collection of "administratively determined" indebtedness due the US from pay of enlisted members of the Army and the Air Force. There is no similar statute for Navy and Marine Corps enlisted members. Therefore, rules in table 7–7–1 through 7–7–5 authorize involuntary collection from Army and Air Force enlisted members for some debts which may be collected from Navy and Marine Corps enlisted members only when consent is given.

b. **Final Pay**. When a member receives final pay on separation, indebtedness to the US may be collected under the general rule of set-off without specific statutory authority. Under this rule debts which may be collected from current pay only with the member's consent may be collected from final pay and allowances without the member's consent. Indebtedness to a nonappropriated fund activity is not an indebtedness to the US for this purpose and cannot be collected involuntarily from final pay under the general rule of set-off. Since, however, statutory authority exists for involuntary collection of debts of Army and Air Force enlisted members due the US or any of its instrumentalities (including nonappropriated fund activities) involuntary collection of such debts from their final pay is authorized. Rule 4, table 7–7–6, provides rates for these collections.

### 70703. Limitation on Collections

a. **Current pay.** Some of the laws authorizing collection of indebtedness from a member's pay impose restrictions on the amount that may be collected or on the items that may be collected or on the items of pay from which collection may be made. These limitations are shown in tables 7–7–1 through 7–7–6. When a member voluntarily authorizes collection, a rate of collection agreeable to the member and the disbursing officer is determined within guidelines shown in the tables.

b. **Final Pay.** Table 7–7–6 shows which items of final pay and allowances are available for set-off of debts. The items shown as not available are specifically exempted by statute.

### 70704. Erroneous Payment Determinations

When the Secretary of the department concerned or the Secretary's designee determines that a member is indebted to the US as a result of an erroneous payment made by that department, the debt may be collected from the member's pay.

### 70705. Collection From Retired Pay

a. **When Authorized**. Members who are indebted to the US at the time of retirement may agree to partial collection from retired pay if:

(1) Full collection of the debt before retirement would require stoppage of more than two-thirds of final pay; and

(2) Such stoppage of final pay would create undue hardship for the member and dependents; and

(3) There is reasonable prospect of

collecting the debt in full from active duty pay and retired pay.

b. **Rate Authorized.** Deductions will be established in reasonable amounts which will not create undue hardship but will adequately protect the interests of the Government and satisfy the debt at the earliest practicable date. Normally, establish deductions in an amount which will satisfy the remaining debt within 1 year after retirement. If, however, the member's expenses and debts are such that collection within 1 year will create undue hardship, establish deductions in a reasonable amount extending beyond 1 year.

c. **Disagreement on Rate.** When the member and the disbursing officer cannot agree as to the amount to be deducted, withhold two-thirds of final pay and submit the matter of monthly rate of retired pay deductions to the appropriate addressee shown below for resolution:

(1) Army. Commander, US Army Finance and Accounting Center, Attn: Chief, Retired Pay Operation.

(2) Navy. Commanding Officer, Navy Finance Center, Anthony J. Celebrezze Federal Bldg, Cleveland OH 44199.

(3) Marine Corps. Marine Corps Finance Center Retired Pay Division, Kansas City MO 64197.

(4) Air Force. Commander, Air Force Accounting and Finance Center (RP), Denver CO 80279.

### 70706. Indebtedness Incurred in National Guard or Reserve

When a member reenters active military service, collect for unsatisfied indebtedness incurred in a National Guard or Reserve status.

### 70707. Early Payment

Payday payments made in accordance with paragraph 40107 are not "indebtedness" if the member dies before the date through which the pay was computed and paid.

### 70708. Bankruptcy

A member may file a petition of bankruptcy under chapter 7, 11, or 13 of the Bankruptcy Code.

a. When the amount of an indebtedness due US is incurred prior to the filing date of the petition, the debt is termed prepetition indebtedness. Such debt may be collected by set-off from the member's pay account only through the day prior to the date the bankruptcy petition is filed, except as provided below:

(1) After the date the bankruptcy petition is filed, prepetition indebtedness due US may be collected by the filing of proofs of claim with the US Bankruptcy Court.

(2) After the date the bankruptcy petition is filed, prepetition indebtedness due US may be setoff from the member's pay account if the member reaffirms indebtedness due US. Reaffirmation agreements must be approved by the court.

(3) If the court subsequently dismisses a bankruptcy case, collection is permitted by setoff if otherwise authorized in this part.

b. An indebtedness due US, but incurred after the filing date of the petition of bankruptcy, is collected by setoff if otherwise authorized by this part.

c. A member may voluntarily enter into a Chapter 13 Plan (formerly Wage Earner's Plan) under the Bankruptcy Code. When required by a Chapter 13 Plan, send the member's pay to the court-appointed trustee as ordered by the court.

d. Refer to service regulations listed below for payment procedures required by the foregoing paragraphs.

Army: Chapter 16, AR 37–103

Navy: Navy Comptroller Manual, para. 041355.3

Air Force: AFR 177–108, paragraph 6-63 and AFR 110-24.

### 70709. Pay Not Affected by Civil Process

An officer or enlisted member may not be deprived of his pay by civil process of garnishment or levy except as follows:

a. Garnishment for child support or alimony (see section B, this chapter).

b. Levy for delinquent Federal income taxes (see section B, chapter 1, this part).

c. Levy for child support (see section B, this chapter).

## SECTION B—LEGAL PROCESS FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS

### ★70710. Garnishment of Pay for Enforcement of Child Support and Alimony Obligations

a. **General.** Moneys due from or payable by the United States to active duty members, members of the Reserve components not on active duty, and retired members (including members of Fleet Reserve and Fleet Marine Corps Reserve) are subject to legal process issued by a State or Federal court of competent jurisdiction to enforce a legal obligation to pay child support or alimony. Legal process issued by foreign courts may be honored under this authority if issued by a court of competent jurisdiction of a country with which the United States has an agreement which requires the United States to honor such process. Such an agreement has been reached with the Federal Republic of Germany. When the law of the State or foreign nation in which the issuing court is located conflicts with the Federal law, the more restrictive law applies. The Code of Federal Regulation (5 CFR 581) takes precedence when in conflict with the contents of paragraph 70710.

b. **Pay Subject to Garnishment.** Except for amounts excluded under d below, all moneys due uniformed personnel, regardless of duty status or component, entitlement to which is based on remuneration for employment, are subject to legal process. The following items of pay and bonuses are subject to legal process:

(1) Basic pay (including service academy cadet, academy officials, and midshipmen pay).

(2) Special pay (including enlistment and reenlistment bonuses).

(3) Incentive pay.

(4) Accrued leave payments (basic pay portion only).

(5) Readjustment pay.

(6) Severance pay (including disability severance pay).

(7) Lump-sum Reserve bonus.

(8) Inactive duty training pay.

(9) Retired pay (including disability retired pay).

(10) Retainer pay.

c. **Pay and Allowances Not Subject to Garnishment.** The following items of pay and allowances are not subject to legal process:

(1) Basic allowance for subsistence.

(2) Basic allowance for quarters.

(3) Family separation allowance.

(4) Station allowances.

(5) Clothing allowances—enlisted.

(6) Uniform allowances—officer.

(7) Personal money allowance.

(8) Discharge gratuity.

(9) Position pay (Navy only).

(10) ROTC subsistence allowance.

(11) Unpaid pay and allowances at death.

(12) Death gratuity.

(13) Allowance for recruiting expenses.

(14) Travel and transportation allowances.

(15) Armed Forces Health Professions Scholarship Program monthly stipend.

d. **Other Amounts Not Subject to Garnishment.** The amounts deducted from the pay of a service member for the following purposes are not subject to legal process:

(1) Federal income tax withholding (amount limited only to that which is necessary to fulfill member's tax liability).

(2) FICA tax.

(3) U.S. Soldier's and Airmen's Home.

(4) Servicemen's Group Life Insurance.

(5) Retired Serviceman's Family Protection Plan.

(6) Survivor Benefit Plan.

(7) State income tax withholding (not applicable to retired or retainer pay).

(8) Indebtedness to the United States.

e. **Maximum Amount of Pay Subject to Garnishment.** The maximum part of disposable earnings for any pay period which is subject to legal process shall not exceed:

(1) Fifty percent if the member concerned is supporting a spouse or dependent child (other than a spouse or dependent child with respect to whose support the legal process is issued);

(2) Sixty percent if the member concerned is not supporting a spouse or

dependent child within subparagraph (1) above.

Disposable earnings is the pay subject to garnishment under b above, minus the amounts set forth in d above. If the member is in arrears for a period which is 12 weeks prior to the beginning of the pay period involved, the maximum percentage under (1) above is 55 percent and under (2) above is 65 percent. In no case may the amount of pay diverted exceed the limits prescribed by the applicable State law.

f. **Allotments to be Discontinued.** The following allotments of the items of pay listed in b above are subject to legal process. When possible, allow the member to determine which allotments are to be stopped. If the member involved refuses to or is unable to advise which allotment should be stopped to permit compliance with the legal process, the allotments of such member shall be involuntarily stopped in the following order:

(1) Class C, CFC—Charity Drive.

(2) Class B, BOND, Q-BOND—U.S. Savings Bond.

(3) Class S, FININ—Financial Organizations.

(4) Class S, EDSAV, E, V—Post-Vietnam Era Veterans Educational Assistance Program contributions.

(5) Class L, AER, RED CR— Repay loans to Service Relief Agencies and Red Cross.

(6) Class D, SPT-V—Payment to dependents/relatives.

(7) Class X—Emergency payment to dependents.

(8) Class H, HOME—Repay home loans.

(9) Class I, INS—Commercial Life Insurance.

(10) Class M—Navy Mutual Aid Insurance.

(11) Class N, NSLI—U.S. Government Life Insurance.

The following allotments of pay are not subject to legal process and should not be stopped:

(1) Class T, RED—Repay indebtedness to U.S. and repayment of delinquent Federal taxes.

(2) Class U, RSFPP—Remittance for RSFPP.

g. **Official Responsible for Dealing with Legal Process.** The officials listed below, or their representatives designated by service regulations, have been designated as the official responsible for receiving and processing all legal process concerning active duty members, members of the Reserve components not on active duty, and retired members (including members of the Fleet Reserve and Fleet Marine Corps Reserve) of their departments:

(1) Army:
Commander
U.S. Army Finance and Accounting Center
Attn: FINCL-G
Indianapolis IN 46249

(2) Air Force:
Commander
Air Force Accounting and Finance Center
Attn: AFAFC/JA
Denver CO 80279

(3) Navy:
Director, Navy Family Allowance Activity
Anthony J. Celebrezze Federal Building, Room 967
Cleveland OH 44199

(4) Marine Corps:
Commanding Officer (AA)
Marine Corps Finance Center
Kansas City MO 64197

(5) In the case of active duty members stationed in the Federal Republic of Germany, all legal process issued by German courts are to be served in the manner prescribed by German law on the appropriate liaison agency listed below for such members:

(a) Army, Navy and Marine Corps
Headquarters USAEUR and Seventh Army
Attn: AEAJA-1A
6900 Heidelberg 1
Postfash, 10 43 23

(b) Air Force:
Commander-in-Chief
U.S. Air Forces in Europe
Attn: Judge Advocate, Director of Civil Law
Ramstein AFB GE

Legal process issued by German courts received by the liaison agencies listed above shall be reviewed to determine whether they comply with applicable German law. In addition, the liaison agencies listed above shall determine whether the member was served notice and certification of service issued in accordance with the provisions of Article 32(1)(a) of the German Supplementary

Agreement in the prior German court proceeding which resulted in an order creating the member's obligation to pay child support or alimony. Once the appropriate liaison agency listed above determines that legal process issued by a German court is legally sufficient and that the notice provisions of Article 32(1)(a) were complied with, the legal process shall be forwarded to the appropriate official designated in clauses (1) through (4) above. Upon receipt by the appropriate official, the legal process shall be processed in the manner set forth in paragraphs 70710h(1)-(8).

h. **Action Required**. Once legal process has been served on the United States, the appropriate designated official indicated in g above shall take or cause to be taken the following actions:

(1) Notify the member and, where appropriate, the member's commanding officer of the proceedings within 15 days after valid service. The written notification shall explain the potential effect of the legal process on the member's pay, including allotments, and advise the member that the burden to raise any available defenses in the appropriate court rests with the member. A copy of the legal process shall be included with the written notice. Further, the notice shall comply with any additional requirements for notice in the law of the State in which the proceeding is brought.

(2) Determine the amount of pay due the member which is subject to the legal process.

(3) Temporarily suspend payment of sufficient pay due the member named in the legal process so as to permit compliance with such process.

(4) Examine the legal process to ensure that: (a) it was served in accordance with Federal law and regulations by an official having authority, under the applicable law of the jurisdiction, to make service of process; (b) on its face, it complies with the applicable law; (c) it constitutes legal process; and (d) the designated official is satisfied that the process is for the enforcement of a legal obligation of the service member for child support or alimony in the form and amount specified in the process, and that the underlying judgement is not void on its face.

(5) Determine whether the applicable law provides an exemption that is more favorable to the member than the exemption stated in paragraph 70710e. Apply the greater exemption.

(6) Determine whether the member is indebted to the United States. If such member owes a specific amount, such amount will be set-off against the amount of pay determined to be subject to legal process. Money owed to a nonappropriated fund activity may not be set off. The following kinds of indebtedness may be set off:

(a) Amounts required to satisfy prior advance of pay and allowances;

(b) Amounts required to satisfy prior overpayments of pay and allowances;

(c) Court-martial and nonjudicial fines and forfeitures; and

(d) Administratively determined indebtedness.

(7) Where required, file an answer to the legal process with the court in which the proceeding was brought and answer any interrogatories regarding the pay and allowances due the member. In all cases, the designated official shall make an appropriate response to the issuing authority within 30 days or such longer period as may be allowed under the applicable State law.

(8) Pay the amount determined to be due and subject to legal process as ordered by the court. Where notice is received that the member has appealed the issuance of a legal process, which meets the requirements of (4) above, the process shall be honored nevertheless unless the issuing or appellate court orders otherwise or the applicable law of the jurisdiction provides otherwise. Where written notice is received, including copies of any appeal documents, that the member has appealed the underlying alimony and/or child support order, payment of moneys subject to the legal process shall be suspended until the Governmental entity is ordered by a court, or other authority, to resume payments. However, no suspension action shall be taken where the applicable law of the jurisdiction wherein the appeal is filed requires compliance with the legal process while an appeal is pending.

(9) If the legal process is determined not to be legally sufficient, and after any coordination within the department required by applicable service directives, advise the General Litiga-

tion Section, Civil Division, Department of Justice, and the US Attorney for the district in which the proceeding was brought that the legal process will not be honored. Send all pertinent documentation to the following address:

General Litigation Section
Civil Division
Department of Justice
Washington DC 20530

**i. Priority.** The amount of pay being withheld pursuant to legal process may not be used to satisfy a notice of levy for unpaid Federal taxes.

### 70711. Levy on Pay and Allowances for Enforcement of Child Support Obligations

**a. Authority.** Under the provisions of Public Law 93-647, effective 1 Jul 1975, the Secretary of the Treasury, upon receiving the certification of the Secretary of Health, Education and Welfare, shall assess and collect the amount certified as unpaid child support in the same manner as if the amount were a delinquent Federal tax, the collection of which would be jeopardized by delay. (See paragraphs 70111 and 70114b.)

**b. Satisfaction of Levy.** When the Secretary of the Treasury issues a notice of levy as described in a above, satisfy the levy in the manner prescribed in paragraphs 70114b(1) through (10). However, in the case of a first assessment against an active duty, retired (including members of the Fleet Reserve and Marine Corps Fleet Reserve), or reserve member for unpaid child support, satisfaction of the levy shall be stayed for a period of 60 days immediately following notice and demand. If a portion of such member's pay is being withheld in garnishment or attachment pursuant to a judgment entered by a court of competent jurisdiction for the support of minor children, the amount of pay withheld is exempt from the levy.

### 70712. Regulations

Detailed policies and procedures governing the administration of garnishment of pay for the enforcement of court ordered child support and alimony and levy of pay and allowances for enforcement of court ordered child support are contained in:

**a. Air Force:** AFM 177-373, volumes I and VI.

**b. Army:** AR 37-104-3.

**c. Navy:** SECNAVNOTE 7200 of 20 May 1975.

**d. Marine Corps:** MCO P7220.31

## SECTION C—REMISSION AND CANCELLATION OF INDEBTEDNESS

### ★70721. Who May Apply

a. An enlisted member on active duty (including a Navy or Marine Corps temporary officer with permanent enlisted status) or member's commander may apply for remission of the enlisted member's indebtedness to the US. The debt may not be remitted or cancelled after the member is discharged, retired, or released from active duty. An indebtedness arising in one period of active duty may, however, be remitted during a later period of active duty.

b. Remission action is not for application in the case of Reserve Component personnel performing inactive duty training or active duty for training except:

> Army: An enlisted member of the Army National Guard who is charged with liability for Government property that is lost, damaged or destroyed on or after 1 Oct 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the service concerned.
>
> Air Force: Any member of the Air National Guard (officer or enlisted member) who is charged with liability for Government property that is lost, damaged, or destroyed on or after 1 Oct 1980, may have such liability remitted cancelled under regulations prescribed by the Secretary of the service concerned.

### 70722. Indebtedness Which May be Remitted

**a. Debts to US.** Generally, any indebtedness may be considered for remission (including those listed in tables 7-7-1, 7-7-3, and 7-7-4).

Debts for erroneous payments may be processed for remission if relief action has been denied under the appeal provisions (section D). However, debts arising from erroneous payment of basic pay due to noncollection of court-martial forfeitures may not be remitted or cancelled.

★ **b. Debts Within Jurisdiction of Service Concerned.** The debt must be one over which the military department concerned has jurisdiction. For example, a Secretary may not remit an enlisted member's indebtedness because of liability for damage to property of another service. The member must have incurred the debt while serving as an officer or enlisted member of the military department in which the member currently serves.

### 70723. How To Apply

Process applications for remission and cancellation of indebtedness as prescribed in procedural regulations of the service concerned.

## SECTION D—APPEALS

### 70731. Right of Appeal

When it is established that a member is indebted to the US because of an erroneous payment made by any service within the Department of Defense, the member has the right to appeal. A member may appeal the validity of the debt, the amount, or the liability for it. A member may also request review of the rate of stoppage on the basis of undue hardship, or upon proof that the rate of stoppage is inequitable.

### 70732. Processing Appeals

Process appeals as prescribed in procedural regulations of the service concerned.

### 70733. Claim for Refund

A member may file a written claim for any amounts considered erroneously collected from the pay account. The claim is sent to the disbursing officer or, if separated, to US Army Finance & Accounting Center; Navy Finance Center, Cleveland; Commandant of the Marine Corps; or Air Force Accounting and Finance Center, as applicable. After an adverse ruling the member has the right to submit a claim to the US General Accounting Office, Claims Group, Room 5451, FGMS, Washington DC 20548. An adverse ruling by that office may be appealed to the Comptroller General or a civil suit for recovery may be started.

## SECTION E—VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES

### 70741. Authority for Validation

Payment of allowances based on a purported marriage and made under title 37 US Code or prior laws, before the marriage is annulled or terminated, are valid if:

a. A court of competent jurisdiction adjudges or decrees that the military member entered the marriage in good faith; or

b. In the absence of such a judgment or decree, a finding of good faith is made by the Secretary of the service concerned or a person designated by the Secretary to investigate the matter.

### 70742. Responsibility for Validation

Findings of good faith under paragraph 70741b are made (or forwarded to the appropriate office) by the offices listed in paragraph 30233f. Purported marriages requiring such finding include those listed in paragraph 30233.

### 70743. Payments Not Validated

Payments based on invalid marriages are considered erroneous payments or overpayments unless validated.

## SECTION F—WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES

### 70751. Request To Waive Claims of US Arising out of Erroneous Payments

Recovery of erroneous payments of pay and allowances, other than travel or transportation allowances, to or on behalf of a member or former member of the uniformed services, may be waived in accordance with this section if recovery is determined to be against equity and good conscience. Application for waiver must be received by the office of the Comptroller General or the department concerned within 3 years from the date the erroneous payment was discovered. Member must apply for refund of amount collected within 2 years from date of waiver approval. A claim of the US against a member of former member of the uniformed services, arising out of an erroneous payment of pay and allowances, other than travel or transportation allowances, may be considered for waiver within 3 years from the date of discovery, when collection of the erroneous payment would be against equity and good conscience, and not in the best interests of the the US. Generally these criteria will be met by a finding that the erroneous payment occurred through administrative error and that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim. Any significant unexplained increase in pay or allowances which would require a reasonable person to inquire concerning the correctness of the pay or allowances ordinarily would preclude a waiver when the member fails to bring the matter to the attention of appropriate officials. Collection action may be suspended in certain cases pending action on an application for waiver. In making the determination on a case-by-case basis as to whether suspension of collection would be appropriate, consideration should be given to whether:

a. There is a reasonable possibility that waiver will be granted;

b. The Government's interests will be protected if suspension is granted by reasonable assurance that the erroneous payment could be recovered if waiver is not granted;

c. The collection of the debt will cause undue hardship. See procedural instructions of the service concerned.

**TABLE 7-7-1**

**INDEBTEDNESS DUE TO ERRONEOUS PAYMENTS, GAO DISALLOWANCES, AND NOTICES OF EXCEPTION**

|  | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| RULE | If | of | is indebted to the US for | and | then collect from current pay | at monthly rate not to exceed that shown below or in rule cited: |
| 1 | an officer or enlisted member | any service | payment disallowed by General Accounting office (GAO) in accounts of a disbursing or certifying officer |  | involuntarily (note 1) | all pay (excluding allowances, Federal tax witholding (FITW/FICA) and SGLI premiums) |
| 2 | an officer |  | debt cited in GAO notice of exception |  | with member's consent (note 2) | rule 2, table 7-7-6 |
| 3 | an enlisted member | the Navy or Marine Corps |  |  |  |  |
| 4 |  | the Army or Air Force |  |  | involuntarily | rule 4, table 7-7-6 |
| 5 | an officer or enlisted member | any service | erroneous payment made to or on behalf of the member by any service within the Department of Defense | the Secretary of the service concerned or the Secretary's designee has determined the indebtedness is valid | involuntarily (note 3) | rule 1, table 7-7-6 |

**Table 7-7-1—Continued**

|  | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| RULE | If | of | is indebted to the US for | and | then collect from current pay | at monthly rate not to exceed that shown below or in rule cited: |
| 6 | an officer | the Army or Air Force | erroneous payment of allotment caused by failure to report, as required, the death of the allotter or any other fact making the allotment not payable | appropriate investigation is made, and the overpaid amount is not recovered from the allottee | with officer's consent; or with approval of Secretary concerned | rule 2, table 7-7-6, or as approved by Secretary concerned |

NOTES:

1. This does not change rules on collections of indebtedness of accountable, certifying, or disbursing officers.

2. If the member does not consent to stoppage of pay and no other statute authorizing stoppage applies, the matter may be reported to US Army Finance and Accounting Center, Navy Finance Center, Cleveland, Commandant of the Marine Corps, or Air Force Accounting and Finance Center, as applicable, so disallowance by GAO may be obtained to collect under rule 1. If notice of exception covers erroneous payment by a military service, rule 5 will be applied.

3. When a member's pay is not promptly reduced to allow for court-martial forfeiture, the resulting indebtedness is considered an erroneous payment within this rule.

TABLE 7-7-2

**INDEBTEDNESS DUE TO LOSS OF PUBLIC FUNDS**

| RULE | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| | **If** | **of** | **is indebted to the US for** | **and** | **then withhold from current pay** | **at monthly rate shown below or in rule cited:** |
| 1 | an accountable officer (note 1) | any service | arrears in accounts because of failure to account for funds entrusted to the member | debt is admitted by officer (note 5) | involuntarily | all pay (excluding allowances, Federal tax withholding (FITW/FICA) and SGLI premiums) |
| 2 | | | | debt is shown by the judgment of a court | | |
| 3 | | | | debt is shown by special order issued by the Secretary of the service concerned | | rate directed by special order of Secretary of service concerned (all pay excluding allowances, or lesser amount) |
| 4 | an accountable enlisted member (note 2) | | | | involuntarily | all pay (excluding allowances. Federal tax withholding, (FITW/FICA) and SGLI premium) |
| 5 | an officer | any service | public funds obtained or converted to own use through fraud, larceny, embezzlement, or other unlawful means | the misappropriation of funds is admitted by the member | with member's consent (note 3) | rule 2, table 7-7-6 (note 4) |
| 6 | an enlisted member | the Navy or Marine Corps | | | | |
| 7 | | the Army or Air Force | | the misappropriation of funds is admitted in writing by the enlisted member | involuntarily | rule 4, table 7-7-6 (note 4) |

NOTES:

1. Applies to officers who hold in trust sums or balances of public money for which they are required to account, such as disbursing officers and deputies or agents to disbursing officers.

2. Applies to enlisted members who are entrusted with public funds. It includes military postal clerks and members who, though not bonded, are entrusted with public funds for small purchases.

3. A member's voluntary offer to make restitution of all or part of the deficit is considered consent.

4. If exact amount of debt is not known at the time the loss is discovered, establish the debt at the amount then known and adjust when investigation is completed.

5. A mere acknowledgment or report of a shortage in accordance with service regulations is not an admission for the purpose of this rule. The phrase ''debt is admitted'' means either a written statement made by the accountable officer admitting indebtedness, acknowledged or witnessed before a person authorized to administer oaths or another person designated by higher authority or if the accountable officer refuses to sign a statement, a certification by a commissioned officer that the accountable officer clearly and unequivocally admitted the indebtedness is sufficient to authorize the withholding from member's current pay.

TABLE 7-7-3

INDEBTEDNESS DUE TO LOSS OR DAMAGE TO PUBLIC PROPERTY OR SUPPLIES

| R U L E | A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|
| | If | of | is indebted to the US for | and | and | then collect from current pay | at monthly rate not to exceed that shown below or in rule cited: |
| 1 | an accountable officer | the Army or Air Force | loss or damage to military supplies, upon final settlement of accounts of officer charged with issue of the supplies | the officer fails to show satisfactorily that the loss or damage of property was not due to any fault on his part | he is found pecuniarily liable by a report of survey or by a Board of Officers, and findings are approved by Secretary concerned | involuntarily | all pay (excluding allowances, Federal tax withholding, (FITW/FICA) and SGLI premium) |
| 2 | | the Navy or Marine Corps | loss or damage to public property entrusted to him, such as stores, supplies and receipts from sale of public property | the Commander, Naval Supply Systems Command or the Quartermaster General of the Marine Corps renders determination | the Commander, Navy Accounting and Finance Center issues instructions to the member's commanding officer on action to take to liquidate debt | involuntarily | all pay (excluding allowances, Federal tax withholding, (FITW/FICA) and SGLI premium) or lesser amount approved by the Comptroller of the Navy or the Commandant of the Marine Corps |

TABLE 7-7-3—CONTINUED

INDEBTEDNESS DUE TO LOSS OR DAMAGE TO PUBLIC PROPERTY OR SUPPLIES

| | A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|
| **RULE** | **If** | **of** | **is indebted to the US for** | **and** | **and** | **then collect from current pay** | **at monthly rate not to exceed that shown below or in rule cited:** |
| ★3 | an officer or enlisted member | the Army or Air Force | damage or cost of repairs to arms or equipment | the member had the care of or was using the property when damaged | negligence or abuse in care or use of property is established by a Board of Officers or on a report of survey, and findings are approved by Secretary concerned | involuntarily (note 1) | all pay (excluding allowances, Federal tax withholding, (FITW/FICA) and SGLI premium |
| 4 | a nonaccountable officer | the Army or Air Force | loss of or damage to Government property | liability is established under regulations of the service concerned | case is not within scope of rule 3 | with member's consent | rule 2, table 7-7-6 |
| 5 | | the Navy or Marine Corps | | | | | |
| 6 | a nonaccountable enlisted member | | | | | | |
| ★7 | | the Army or Air Force | | | | involuntarily (note 1) | rule 4, table 7-7-6 |

## TABLE 7-7-3—CONTINUED

### INDEBTEDNESS DUE TO LOSS OR DAMAGE TO PUBLIC PROPERTY OR SUPPLIES

| | A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|
| **R U L E** | **If** | **of** | **is indebted to the US for** | **and** | **and** | **then collect from current pay** | **at monthly rate not to exceed that shown below or in rule cited:** |
| ★8 | an officer or enlisted member | the Armed Forces | damage to assigned family housing or damage to or loss of equipment or furnishing of such housing | the damage or loss was caused by the abuse or negligence of the member or the member's dependent(s) | the negligence or abuse is established by the Report of Survey approving authority | involuntarily | all pay (excluding allowances, Federal tax withholding, (FITW/FICA) and SGLI premium) (note 2) |

NOTES:

1. Involuntary stoppage of pay is not authorized for a debt established by an administrative determination, including report of survey, of another service or agency. No authority exists for one service to involuntarily stop current pay of one of its own members to satisfy a debt raised by a finding of pecuniary liability by the other service or agency.

★2. Air Force AFOs will collect the amount reflected on the Report of Survey transmittal letter.

TABLE 7-7-4

MISCELLANEOUS INDEBTEDNESS TO US

| RULE | A | B | C | D | E |
|---|---|---|---|---|---|
| | **If** | **of** | **is indebted to the US for** | **then collect from current pay** | **at monthly rate not to exceed that shown below or in rule cited:** |
| 1 | an enlisted member | any service | reenlistment bonus for period unserved | involuntarily | (See chapter 9, part one) |
| 2 | an officer or enlisted member | the Navy or Marine Corps | unpaid hospital bills for medical services furnished a dependent | with member's consent | rule 2, table 7-7-6 |
| 3 | an enlisted member | the Army or Air Force | | involuntarily | rule 4, table 7-7-6 |
| 4 | an officer | | | with officer's consent | rule 2, table 7-7-6 |
| 5 | an officer or enlisted member | The Navy or Marine Corps | unpaid rent and utility bills on Government rental housing | with member's consent (previous signing of agreement such as lease is considered consent) | amounts applicable |
| 6 | an officer | any service | excess cost of shipment of household goods | | rule 2, table 7-7-6 |
| 7. | an enlisted member | the Navy or Marine Corps | | | |
| 8 | | the Army or Air Force | | involuntarily | rule 4, table 7-7-6 |
| 9 | a medical officer | of any service | compensation or stipend payments received from state, county, municipal, or privately owned hospitals for medical service | with officer's consent | amount received |
| ★10 | an officer or enlisted member | | jury duty fees (as distinguished from expenses) from any court, except while on authorized leave, and receiving active duty pay and allowances. | involuntarily | |

TABLE 7-7-5

INDEBTEDNESS TO INDIVIDUALS AND GOVERNMENT INSTRUMENTALITIES AND AGENTS

| RULE | A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|
| | If | of | is indebted to | for | and | then collect from current pay | at monthly rate not to exceed that shown below or in rule cited: |
| 1 | an officer or enlisted member | any service | any person | willfully damaging or wrongfully taking property of that person | the commander has convened a Board to investigate complaint, and Board has assessed damages, and commander has approved an amount of assessment | involuntarily | amount approved by commander not to exceed all pay (excluding allowances, Federal tax withholding, (FITW/FICA) and SGLI premiums) |
| 2 | | | his or her spouse, former spouse or child | court ordered child support or alimony | garnishment or attachment of pay is directed by court order | | amount directed by court order |
| 3 | | the Army or Air Force | a commissary | uncollectible check which he or his authorized agent has issued or endorsed to the commissary | | involuntarily (if cash collection not possible) | all pay (excluding allowances, Federal tax withholding, (FITW/FICA) and SGLI premium) |

TABLE 7-7-5—Continued

| | A | B | C | D | E | F | G |
|---|---|---|---|---|---|---|---|
| **R U L E** | **If** | **of** | **is indebted to** | **for** | **and** | **then collect from current pay** | **at monthly rate not to exceed that shown below or in rule cited:** |
| 4 | an officer | any service | a nonappropriated fund activity | any indebtedness | direct payment to the instrumentality by the member is not practicable | with member's consent | rule 2, table 7-7-6 |
| 5 | an enlisted member | the Navy or Marine Corps | | | | | |
| ★6 | | the Army or Air Force | | | the custodian of the nonappropriated fund instrumentality has tried all means of direct collection from member, and a request has been sent to member's commander for assistance in obtaining direct payments. | involuntarily (note 1) | rule 4, table 7-7-6 |

|  |  |  |  |  |  |  |  |
|---|---|---|---|---|---|---|---|
| 7 | an officer or enlisted member | any service | the Internal Revenue Service | delinquent income taxes or court ordered child support (note 2) | IRS Notice of Levy is served | involuntarily | (see section B, chapter 1 and section B, chapter 7, part 7) |
| 8 |  |  | the Veterans Administration | overpayments made by Veterans Administration |  | with member's consent | rule 2, table 7-7-6 |

NOTES:

1. Inter-service collection is authorized of amounts owed to nonappropriated fund instrumentalities because of bad checks or club debts.
2. Upon certification from the Department of Health, Education and Welfare to the Department of Treasury, an IRS notice of levy may be issued for delinquent child support (see paragraph 70711).

TABLE 7-7-6

RATES OF COLLECTION

| R U L E | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| | If an | is indebted for | and | then the service may authorize or approve liquidation by monthly installments that | and if debt remains at time of separation, collect from final pay | and if total debt is not liquidated from final pay, establish collection from |
| 1 | officer or enlisted member of any service | erroneous payment made by a service within the Department of Defense | member does not appeal, or appeal is denied | (1) will ensure collection within the anticipated period of active duty (unless deduction from retired pay is indicated—see paragraph 70705), and (2) in the opinion of the DO, adequately protect the interests of the Government, and (3) do not exceed two-thirds of the member's available pay, unless agreed to by the member. ("Available pay" is basic pay, special pay, incentive pay, and enlistment and reenlistment bonuses, less Federal tax withholding (FITW/FICA), Soldiers' and Airmen's Home deductions (when applicable), and SGLI premiums) (notes 1 and 4) | unpaid pay and allowances, separation payments under chapter 4. part four (except donation); amounts deduction for US savings bonds, including undelivered bonds; separation travel allowance for officers; reimbursement for transprotation of household goods, dislocation and trailer allowance; and pay detained by court-martial sentence or nonjudicial punishment (for enlisted members, do not collect from separation travel allowance, or donation on discharge) (if member is retiring see paragraph 70705) | retired pay, retainer pay, (see paragraph 70705) or pay in new enlistment |
| 2 | | indebtedness that may be collected from current pay only when the member consents | the member agrees to collection within terms stated in column D | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| 3 | | court ordered child support or alimony | garnishment or attachment of pay is directed by court order | are directed by court order | as directed by court order | retired pay, retainer pay, or pay in new enlistment as directed by court order |
| 4 | enlisted member of the Army or Air Force | an administratively determined indebtedness to the US or its instrumentalities | | will not reduce pay actually received to less than one-third of pay for that month. Commander may authorize member to receive more than one-third when justified. ("Pay" is basic pay, special pay, incentive pay and enlistment and reenlistment bonuses without deductions; but deduct court-martial forfeitures, Federal tax withholding (FITW/FICA), Soldiers' and Airmen's Home deduction, and SGLI premiums) (note 2) | items shown in rule 1, but do not reduce pay actually received to less than one-third of pay for that month (if member is retiring, see paragraph 70705) (note 3) | retired pay (see paragraph 70705) or pay in new enlistment |

NOTES:

1. When installment plans do not meet all of these requirements (e.g., when deduction of a greater amount is necessary to effect collection within the period of anticipated active duty) they will be sent to the U S Army Finance and Accounting Center or the Air Force Accounting and Finance Center, as applicable; for Navy and Marine Corps members the field disbursing officer will determine the repayments schedule. Installment plans which appear to authorize only token payments must be sent to the U S Army Finance and Accounting Center, Navy Finance Center, Commandant of the Marine Corps, or Air Force Accounting and Finance Center, as applicable, for approval.

2. Deductions for class SPT-V, D, NSLI, N, Bond, QBond, and B allotments are considered as part of the one-third of the pay reserved to the member. Federal tax withholdings, and US Soldiers' and Airmen's Home deductions are not a part of the one-third reserved. If amount collected includes "administratively determined" indebtedness in combination with erroneous payments, court-martial forfeitures, or other amounts otherwise authorized and directed by law to be withheld, rule 4 is for application.

3. The limitation on collections from final pay does not apply to enlisted members whose accounts are being settled on discharge for fraud, desertion, discharge because of mental incompetency, or death.

4. If any amount ordered forfeited is not actually withheld or collected during the period specified by the approved sentence, the collection rate will not be less than that fixed by the approved sentence.

# CHAPTER 8

## DEPOSIT PROGRAM

### 70801. Authority

a. The Act of 14 Aug 1966 authorized members of the uniformed services who were serving on a permanent duty assignment outside the United States, or its possessions, to deposit their "unallotted current pay and allowances" for savings purposes. Amounts up to $10,000 could be deposited with interest accrual at the rate of 10% per annum.

b. This program was phased out effective 30 June 1974 with the exception of accounts of members continued in a missing status, which status resulted from service in the Vietnam conflict.

# CHAPTER 9

## PRECEDENCE OF PAY DEDUCTIONS AND STOPPAGES (ARMY AND AIR FORCE ONLY)

**★TABLE 7-9-1**

**PRIORITY OF DEDUCTIONS AND STOPPAGES**

| **RULE** | **When the amounts due a member are not enough to cover authorized deductions, collect the applicable amounts shown in the sequence listed below:** | |
|---|---|---|
| 1 | Forfeiture | A forfeiture constitutes a loss of pay entitlement. It takes precedence over all items for deduction or stoppage. |
| 2 | Reimbursement to the United States | Amounts collected for deposit to the credit of the Treasurer of the US, as follows:<br>a. Federal Withholding Tax: (1) Social Security Tax and (2) income tax deductions.<br>b. Deductions for Servicemen's Group Life Insurance (SGLI).<br>c. Deductions for United States Solider's and Airmen's Home (USSAH) (Army and Air Force only). |
| 3 | Indebtedness due the United States | a. Arrears in money accounts established under section A, chapter 7, part 7 except rules 1, 4, and 6, table 7-7-5 (see 8 below).<br>b. Overpayments including advances of travel or advances of pay.<br>c. Clothing allowance charges.<br>d. Transportation charges.<br>e. Subsistence charges.<br>f. Government property lost or damaged.<br>g. Telephone or telegraph charges.<br>h. Amounts due to satisfy IRS levies for delinquent taxes (see section B, chapter 1, part 7). |
| 4 | State Income Taxes | |
| 5 | Garnishment for alimony and child support payments | |
| 6 | Court-ordered bankruptcy payments under Chapter 13 of the revised Bankruptcy Act | See note. |
| 7 | Allotments and other voluntary deductions | Payments made to an allottee by the US or when a savings bond has been issued prior to the date amounts due a member are to be disbursed in the following order for:<br>a. Government insurance |

**★TABLE 7-9-1—Continued**

**PRIORITY OF DEDUCTIONS AND STOPPAGES**

| | | |
|---|---|---|
| | | b. Repayment of indebtedness to the US<br>c. Repayment of individual indebtedness or for payment to an individual, or financial organization for disposition as authorized by the allotter.<br>d. Emergency support of dependent.<br>e. Purchase of US Savings Bonds.<br>f. Donation to charity drives. |
| 8 | Reimbursements to individuals and agencies | Remittances to an individual or agency by the disbursing officer making the deductions as follows:<br>a. Deduction for payment to nonappropriated funds (includes rules 4 and 6 of table 7-7-5).<br>b. Deductions for payment for damages to private property (includes rule 1 of table 7-7-5).<br>c. Deduction for rental of premises occupied by dependents. |
| 9 | Court-martial fines and detention of pay | |

NOTE: In cases where the United States Bankruptcy Court has mandated that a sum be deducted monthly, the Court's order will be followed as prescribed in Service regulations.

## CHAPTER 10

# HEALTH CARE COVERAGE FOR PERSONS BEING SEPARATED FROM ACTIVE DUTY

### 71001. General.

Detailed policies and procedures governing the administration of the health care coverage program are contained in:

a. **Army**: Part Four, AR 37-104-3, and AR 635-10

b. **Navy**: BUPERS Instruction 1760.19 Series

c. **Marine Corps**: MCO 1741 Series

d. **Air Force**: AFR 211-21

# PART EIGHT

## PAY AND ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS (NOT ON EXTENDED ACTIVE DUTY) AND ROTC

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# PART EIGHT

# PAY AND ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS (NOT ON EXTENDED ACTIVE DUTY) AND ROTC

## CHAPTER 1

## SERVICE CREDITABLE

### 80101. General

The provisions of chapter 1, part one, apply to members of the Reserve components.

# CHAPTER 2

# ACTIVE DUTY (NOT EXTENDED ACTIVE DUTY) ENTITLEMENTS

## SECTION A—GENERAL PROVISIONS

### 80201. Entitlements

**a. Active Duty With Pay.** A member of a Reserve component serving on active duty with pay is entitled to receive pay according to his/her years' service and the grade in which he/she is serving.

NOTE: As used in this chapter, the term active duty includes active duty training, active duty for training, full-time training duty, annual training duty and attendance while in active service at a school designated as a service school by law or the Secretary concerned, temporary active duty when the pay is chargeable to a Reserve appropriation, or in the case of the National Guard, full-time training and other full-time duty. It does not mean extended active duty. Extended active duty is defined as active duty performed by a member of a Reserve component when strength accountability passes from the Reserve component to the active military establishment.

**b. Active Duty Without Pay.** A member of a Reserve component may, with his consent, be ordered to active duty without pay when authorized by the Secretary of the Service concerned. See subparagraphs 80241b and 80242b for entitlement to allowances.

★**c. Combination Active Duty and Inactive Duty.** A member of a Reserve component may be paid the equivalent total of more than 360 days' pay in a year, when so directed, if this total is based on a combination of active duty pay and inactive duty training pay.

**d. National Guard (NG) Officer Granted Temporary Federal Recognition.** This officer is entitled to the same pay and allowances as a member of the Reserves. Temporary recognition ends 6 months after its effective date unless:

(1) It is sooner withdrawn; or

(2) The officer is permanently appointed as a Reserve officer in the same grade.

**e. Effective Date of Promotion for Increase in Pay and Allowances— Reserve and NG Officers.** See table 8-2-1.

**f. Effective Date of Promotion for Increase in Pay and Allowances—Enlisted Members of the Reserve Components.** Rules 7 through 11, table 1-2-2, apply to these members.

### 80202. Saved Pay

The provisions of section c, chapter 2, part one, apply to members of Reserve components.

### 80203. Limitation

A member of a Reserve component cannot be paid inactive duty pay on any day that he is entitled to active duty pay.

### 80204. Waiver of Benefits

A member of a Reserve component who is drawing a pension, disability compensation, retainer pay, or retirement pay from the Government of the United States for prior military service, and who performs duty for which he is entitled to pay, may elect to receive either:

a. The payments for prior military service, or

★b. If member specifically waives those payments, the pay and allowances authorized for the duty the member is currently performing.

(1) Veterans Administration (VA) Disability Compensation. A Reservist who is entitled to VA disability compensation must waive the equivalent of 1 day's VA compensation for each reserve active duty day or each inactive duty period. (Thus, the performance of 2 inactive duty periods in 1 calendar day requires waiver of the equivalent of 2 days' VA compensation). These waiver requirements apply for all days in a calendar month.

(2) Retired or Retainer Pay. A Reservist who is entitled to retired or retainer pay must waive the equivalent of 1 day's retired or retainer pay for each reserve active duty day or inactive duty performance day. (Thus, the performance of 2 inactive duty periods in 1 calendar day requires waiver of the equivalent of 1 day's retired or retainer pay). These waiver requirements apply for all days in a calendar month.

### 80205. Allotments of Pay

Except as prescribed in paragraph 80268, a member of a Reserve component not on EAD may not have pay allotted. Members of reserve components serving on Active Duty (AD), Active Duty for Training (ADT), or Full-Time Training Duty (FTTD) under competent orders which specify periods of duty of more than 180 days, are excluded from this restriction when prescribed in service regulations and may allot their pay, even though such pay is chargeable to Reserve or National Guard appropriations. Paragraph 40304 applies should a member enter a missing status, and paragraph 80254 applies should a member incur a disability.

### 80206. Leave

A member of a Reserve component who serves on active duty with pay for periods of 30 consecutive days or more, accrues leave at the rate of 2-1/2 calendar days for each month of active service, excluding periods of:

a. Absence from duty without leave,

b. Absence over leave, and

c. Confinement as a result of a court-martial.

The member is entitled to lump-sum settlement of unused accrued leave upon completion of a tour per table 8-2-2. When consecutive tours are involved, a member may be reimbursed for unused accrued leave or it may be carried forward, at the member's option, until completion of the final tour. When computing the length of a period of active duty, include allowable travel time. See also paragraphs 40401 and 40402 and procedural instructions of the services concerned.

## SECTION B—ALLOWABLE TRAVEL TIME FOR PAY ENTITLEMENTS PURPOSES

### 80211. Entitlement

The provisions of part one, chapter 2, section E, apply to members of the Reserve components.

## SECTION C—COMPUTATION OF PAY

### 80221. Annual Salary

The provisions of paragraph 10213 apply to members of the Reserve components.

### 80222. Computation of Monthly Pay

**a. Active Duty for 30 Days or More.** When a member is ordered to active duty for 30 days or more and the tour of duty starts on the first day or an intermediate day of a calendar month, the member is entitled to pay and allowances through the 30th. Payment is not authorized for the 31st day of a calendar month (except BAS for enlisted members). This includes a member who is ordered to active duty for less than 30 days and is continued on active duty for 30 days or more by new orders or an amendment to the original orders. When computing the number of days for which pay is due, include the entire period the member actually serves on active duty, including allowable travel time (see rules 1 and 2, table 8-2-2).

**b. Active Duty for Less Than 30 Days.** A member ordered to active duty for less than 30 days is entitled to pay and allowances at 1/30th the monthly rate for each day actually served, including the 31st day of a calendar month. This includes a member ordered to active duty for 30 days or more but released before performing at least 30 days of active duty, including allowable travel time (see rule 3, table 8-2-2).

**c. Active Duty During February.** See rules 4 through 11, table 8-2-2.

### 80223. Absence From Duty

**a. Active Duty for Less Than 30 Days.** Deduct 1/30th of 1 month's pay for each day of unauthorized absence.

**b. Active Duty of 30 Days or More.** The provisions of paragraph 10212 apply to members of the Reserve components.

**80224. Basic Pay Rates**

Tables 1-2-5 through 1-2-8 contain current monthly rates of basic pay.

## SECTION D—SPECIAL AND INCENTIVE PAY

**80231. Entitlement**

**a. General.** A member of a Reserve component on active duty is entitled to special and incentive pays under the same conditions as a member on EAD. For exceptions, see subparagraphs b, c, d, and e below, and paragraphs 80232 through 80238.

**b. Career Sea Duty and Foreign Duty Pay.** For career sea duty and foreign duty pay, the ship or duty station at which a member is performing active duty is considered member's permanent duty station.

**c. Aviation Career Incentive Pay (ACIP) and Hazardous Duty Incentive Pay (HDIP) for the Performance of Aerial Flights:**

(1) Excess Flying Time. The excess flying time provisions in part two, chapter 1, section B, for rated officers, flight surgeons, and rated or designated warrant officers entitled to ACIP, and in part two, chapter 1, section A, for enlisted crew members entitled to flying pay, apply to a member of reserve component only if on continuous active duty for a period of 30 days or more.

(2) Combined Flight Requirements. Flying time accumulated during periods of inactive duty training which is in excess of inactive duty flight requirements may be applied to active duty flight requirements for ACIP or flying pay entitlement. For specific details, see subparagraph 80312a.

(3) Flying Pay for Allowable Travel Time. A member on active duty for 30 days or less is entitled to flying pay (if otherwise entitled) for travel time from duty station to home, even though the period extends into the following calendar month (see rule 5, table 2-1-3).

(4) Entitlement to ACIP While on Active Duty for Training for Members Who Perform Inactive Duty Training Without Pay. An officer who performs inactive duty for training without pay is entitled to ACIP when performing active duty for training only if member is considered to be performing aviation service on a career basis (see definition "Aviation Service Career" (Not on Extended Active Duty) in the Glossary of Terms).

**d. Parachute Duty Pay.** Parachute jumps performed during periods of active duty for training or during inactive duty training periods, if performed per part two, chapter 3, section B, may be used to qualify the member for parachute pay for either type of training. Parachute jumps performed while on EAD do not qualify a Reservist for parachute pay in an inactive duty training status.

**e. Special Duty Assignment Proficiency Pay (SDAPP).** Enlisted members on active duty for training for periods of 180 days or more are entitled to SDAPP (paragraph 10803) if otherwise qualified under part one, chapter 8.

**80232. Reenlistment or Voluntary Extension**

**a. Basic Condition of Entitlement.** A bonus may be awarded during the period of 15 Sep 1979 through 30 Sep 1985 to an enlisted member of a Reserve component after all the following conditions are met:

(1) Reenlists/extends in a unit and/or a military occupational specialty approved by the Secretary concerned;

★(2) Has not previously received a reenlistment/extension bonus for service in the Selected Reserve;

(3) Is not reenlisting/extending to qualify for a civilian position (excluding temporary assignments) where membership in the Reserve is a condition of employment;

(4) Holds rank/grade commensurate with the billet vacancy (within authorized substitution limits as prescribed by the component); and

(5) Has been a satisfactory participant in the Selected Reserve for 3 months at a time of reenlistment/extension.

**b. To Whom Payable and Amounts Payable:**

(1) A member with less than 6 years of total service at current expiration of term of service (ETS), who within 3 months before ETS or completion of the Selected Reserve obligation reenlists/extends for a period of 6 years, will receive a bonus of $1800. The bonus will accrue one-half upon the effective date of the reenlistment/extension, with the remainder to be paid in increments of $150 at the satisfactory completion of each year of the term of reenlistment/extension. (This group

will contain Reservists having completed 3 to 4 years obligation in the Selected Reserve—3×3 or 4×2 Reservists with no remaining Selected Reserve obligation and former active prior service persons.)

(2) If the member has at least 6 but not more than 8 (exactly) years of total service at current ETS, the person may reenlist/extend within 3 months before ETS for a period of 3, 4, 5, or 6 years and receive a bonus of $900 for a 3, 4, or 5-year or $1,800 for a 6-year reenlistment/extension. The bonus is payable one-half upon commencement of the reenlistment/extension term, with subsequent payments of $150 upon the first through third anniversary (if qualified for the 3-year term bonus) or upon the first through sixth anniversary (if qualified for a 6-year term bonus) during which the member has participated satisfactorily with a Selected Reserve unit.

(3) If the member has more than 8 but not more than 9 (exactly) years of total service at current ETS, the person may reenlist/extend within 3 months before ETS for a period of 3 or more years and receive a bonus of $900, regardless of the term of reenlistment/extension. The bonus is payable one-half upon commencement of the reenlistment/extension term, with the remainder to be paid in increments of $150 at the satisfactory completion of the first, second and third years of the term of the reenlistment/extension.

NOTE: Total years of service at current expiration of term of service (ETS) is defined as the difference between the ETS of the current enlistment contract and the Pay Entry Base Date (PEBD). Members of the Selected Reserve who had a period of nonavailability and were assigned temporarily to the Standby Reserve of the Inactive National Guard (that is, temporary overseas residence, missionary obligation, or overseas employment obligation) were required to extend their enlistment period in the Ready Reserve in order to be able to serve the full 6-year obligation period in the Selected Reserve. For these members, total years of service at current expiration of term of service is defined as the difference between ETS of the current enlistment contract and the PEBD, less the time spent in the Inactive National Guard or the Standby Reserve.

### 80233. Enlistment

**a. Basic Condition of Entitlement.** A bonus may be awarded during the period 15 Sep 1979 through 30 Sep 1985 to an individual who does not elect educational assistance under Public Law 95-79, 30 Jul 1977, and meets all the following conditions:

(1) Enlists in a Reserve component for assignment to the Selected Reserve for a term of 6 years;

(2) Has never previously served in any component of an Armed Forces of the United States;

(3) Is a graduate of a secondary school;

(4) Is classified as Mental Category Group I, II, or III;

★(5) Is not enlisting to qualify for a civilian position where membership in the Reserve is a condition of employment (persons on temporary assignment excluded);

(6) Is not enlisting for voluntary assignment to full-time active duty or active duty for training in excess of 90 days in support of the Reserve program;

★(7) Is enlisting as a member of a unit and/or in a military occupational specialty approved by the Secretary concerned;

(8) Is not selecting an optional enlistment program (that is 3×3, 4×2, 5×1); and

(9) Has completed initial active duty for training including military occupational specialty qualification.

**b. Enlistment Bonus.** The amount of the enlistment bonus may vary by military specialty up to an amount not to exceed $2,000. Payment of the bonus shall be one-half upon satisfactory completion of initial active duty for training (IADT) including military occupational specialty qualification, and not less than one-fourth of the total bonus to be paid not earlier than at the satisfactory completion of the fourth year.

### 80234. Affiliation Bonus

A reserve affiliation bonus may be awarded during the period 1 Oct 1980 through 30 Sep 1985 to any person who:

a. Is serving on active duty, is eligible for reenlistment or for an extension of the active duty status, has 180 days or less remaining on the active duty obligation, and upon discharge or release from active duty upon the completion of such active duty obligation will have a Reserve service obligation under section 651 of title 10 or under section 6(d)(1) of the Military Selective Service Act; or

b. Has served on active duty for any period of time, has completed satisfactorily any term of enlistment or period of obligated active duty service, was discharged or released from such active duty under honorable conditions, and is serving a period of Reserve service obligation under section 651 of title 10 or section 6(d)(1) of the Military Selective Service Act, and who meets the following eligibility criteria:

★(1) Is affiliating with a unit and/or holds and is qualified in a military specialty designated by the Secretary concerned for the purpose of this bonus;

(2) Has a grade/rating and Military Occupational Specialty for which there is a vacancy in the Reserve component in which the person is to become a member;

(3) Is not affiliating to qualify for a civilian position where membership in the Guard/Reserve is a condition of employment (persons on temporary assignment excluded).

(4) Enters into a written agreement with the Secretary concerned to serve as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force for the period of obligated Reserve service such person has remaining at the time of affiliation;

(5) Has not enlisted under the IRR Direct Enlistment program; and

(6) Meets all other requirements established by the Reserve components.

c. A person who meets the eligibility criteria outlined above may be awarded a bonus calculated on a basis of $25 a month for each month of remaining military service obligation or, if on active duty, will have remaining at the time of discharge or release from active duty (only whole months will be counted).

(1) If the person has 18 months or less remaining on the military service obligation, the entire amount may be paid upon the signing of the Selected Reserve agreement and affiliation with the Selected Reserve unit.

(2) If the person has more than 18 months remaining, the bonus may be payable one-half upon the execution of the Selected Reserve agreement and affiliation with the Selected Reserve unit and one-half on the fifth anniversary of the date upon which statutory military obligation began (original enlistment contract or entry on active duty).

### 80235. Obligation

To be eligible for any of the incentives, a person must be contractually obligated to serve satisfactorily, as prescribed by component regulations, in the Selected Reserve for the full term of the enlistment, reenlistment, extension or affiliation period. The member must further be obligated to continue to serve in the same component and in the same military occupational specialty unless excused for the convenience of the Government.

### 80236. Termination of Incentive Entitlement for Enlistment, Reenlistment or Affiliation Bonuses

Entitlement to further bonus payments will be terminated if a member:

a. Fails to participate satisfactorily in the Selected Reserve per component regulations.

b. Accepts a civilian position where membership in the Reserve is a condition of employment (persons on temporary assignment excluded).

c. Is separated from the Selected Reserve as an enlisted person for any reason (including enlistment or voluntary recall into the active forces).

d. Becomes a simultaneous member of an authorized officer program.

★e. Moves out of a bonus-qualified military occupational specialty, unless at the express direction of member's component drawing a stipend.

★f. Moves to a non-bonus eligible unit, unless at the express direction of the component.

### ★80237. Relief From Termination of Bonuses

a. Members who move from one location to another may continue bonus eligibility if they remain in the Selected Reserve of the same component and join a bonus-eligible unit or bonus-eligible military occupational specialty, as appropriate. Relocated members who remain eligible for continuation in the bonus program may not receive a payment before qualifying in the gaining unit position. Persons whose military occupational specialty is changed at the convenience of the Government or whose unit is inactivated, relocated, reorganized, or converted, may continue to be entitled to incentive payments provided they meet all other eligibility criteria.

b. If they remain otherwise qualified, current bonus participants who either volunteer for active duty or active duty for training in excess of 90 days in support of the Reserve, or accept a temporary civilian position where membership in the Reserve is a condition of employment, retain the bonus entitlement.

### 80238. Nonavailability

a. Members who incur a period of authorized nonavailability (that is, temporary overseas residence, missionary obligation, overseas employment obligation, etc.) are not actually terminated from the incentive program. These persons will be assigned temporarily to the Standby Reserve or the Inactive National Guard, as appropriate, and be required to extend their enlistment, reenlistment, or extension period in the Ready Reserve in order to be able to serve the full contract period in the Selected Reserve. During the period of nonavailability, the member will not be entitled to subsequent incentive payments. Entitlements to subsequent payments will resume on the adjusted anniversary date of satisfactory creditable Selected Reserve Service.

b. Members who incur a period of authorized nonavailability of up to 1 year for valid personal reasons will be assigned temporarily to the Individual Ready Reserve (IRR) or the Inactive National Guard as appropriate in the Ready Reserve in order to serve the full contract period in the Selected Reserve. During the period of nonavailability, the member will not be entitled to subsequent incentive payments or any incentives available to members of the Ready Reserve not in the Selected Reserve. The member will forfeit any equivalent pro rata amount of the bonus for the time spent in the IRR or the Inactive National Guard. Entitlement to subsequent payments as reduced will be resumed on the adjusted anniversary date.

### 80239. Recoupment of Payments

Any refund made by a member does not affect the period of obligation of such member to serve as a Ready Reservist.

a. Recoupment of enlistment, reenlistment, and affiliation bonuses will be affected for a member who:

(1) Fails to participate satisfactorily in training with the Selected Reserve during the entire period of enlistment, reenlistment, or

extension per the Selected Reserve written agreement, unless the failure to participate satisfactorily was due to reasons beyond the control of the member (that is, death, injury, illness or other impairment not the result of own misconduct).

(2) Accepts a civilian position where membership in the Reserve is a condition of employment, if less than one-half of the contract term for which a bonus is payable has been served (members on temporary assignment excluded).

(3) Separates from Selected Reserve as an enlisted person for any reason (including enlistment or voluntary recall into the active forces) other than by death or to accept an immediate appointment as an officer in the Ready Reserve (in which case, recoupment is required if less than 1 year of the term has been served).

(4) Moves out of a bonus-eligible military occupational specialty, unless at the express direction of member's component.

(5) Moves to a nonbonus-eligible unit unless at the express direction of member's component.

b. Recoupment of enlistment, reenlistment, and affiliation bonuses is calculated as follows:

(1) The number of months served satisfactorily during the term for which a bonus was paid will be multiplied by the monthly rate authorized by the particular bonus.

(2) That amount is subtracted from the total amount of bonus paid to the individual to date (initial and any subsequent payments).

(3) If the calculation indicates overpayment to the individual, that amount is recouped.

If the calculation indicates that the member has earned more than has been paid (total of initial and any subsequent payments) on the same prorata basis, that amount is paid in the final installment.

## SECTION E—ALLOWANCES

### 80241. Basic Allowance for Subsistence (BAS)

**a. Entitlement—Active Duty With Pay.** A member of a Reserve component ordered to active duty with pay is entitled to BAS as prescribed in part three, chapter 1.

**b. Entitlement—Active Duty Without Pay.** A member of a Reserve component ordered to active duty without pay is entitled to subsistence in kind or commutation thereof as provided for in subparagraphs (1) and (2). When a member is ordered to active duty "without pay and allowances," payment is not authorized.

(1) Duty at the Permanent Duty Station. BAS will be paid at the same rates and under the same conditions as provided for members with pay.

(2) Duty at Other Than the Permanent Duty Station. When a Government mess is not available, reimbursement for meals is authorized at the rate of $1.50 per meal (maximum $4.50 per day).

### 80242. Basic Allowance for Quarters (BAQ)

**a. Entitlement—Active Duty With Pay.** Members of a Reserve component on active duty training with pay are entitled to BAQ under terms and conditions of part three, chapter 2. A member who is receiving quarters allowance incident to civilian employment may also receive BAQ as a result of military service, if otherwise entitled.

**b. Entitlement—Active Duty Without Pay.** A member of a Reserve component ordered to active duty without pay is entitled to quarters in kind or commutation thereof as provided for in subparagraphs (1) and (2). When a member is ordered to active duty "without pay and allowances," payment is not authorized.

(1) Duty at the Permanent Duty Station. BAQ will be paid at the same rates and under the same conditions as provided for a member without dependents on active duty with pay.

(2) Duty at Other Than the Permanent Duty Station. When Government quarters are not available, reimbursement for quarters is authorized at the rate of $4.50 per day.

**c. Permanent Station Defined.** For members of the National Guard, the Air National Guard, or Reserve components of any of the Uniformed Services on active duty for training, the place where the training duty is being performed shall be deemed to be the permanent station of such members for BAQ entitlement purposes.

### 80243. Family Separation Allowance (FSA)

The provisions of part three, chapter 3, apply to a member of a Reserve component on active duty with pay for periods of more than 30 days.

### 80244. Station Allowances Outside the United States

The provisions of part three, chapter 4, apply to a member of a Reserve component.

### 80245. Clothing Monetary Allowances—Enlisted Members

**a. Active Duty for Periods of 6 Months or Less.** An enlisted member of a Reserve component ordered to active duty for 6 months or less is not entitled to a clothing monetary allowance.

**b. Active Duty for Periods of More Than 6 Months.** See part three, chapter 5, for specific references to enlisted members of the Reserve components ordered to active duty for periods of more than 6 months.

**c. Initial Cash Allowance for Female Enlisted Member.** A female enlisted member of a Reserve component is entitled to an initial cash allowance for the purchase of underclothing and personal items not available in the Defense Supply system as determined by the Secretary of the Military Department concerned (see paragraph 30515).

### 80246. Officers' Uniform and Equipment Allowances

See specific references to Reserve officers in part three, chapter 6.

## SECTION F–MISCELLANEOUS PAYMENTS

### 80251. Advance Pay

A member of a Reserve component in receipt of orders for PCS movement (140 days or more) is entitled to advance pay per paragraph 40101. Non-prior-service Army and Air Force enlistees may be paid an advance pay under the conditions set forth in rule 4, table 4-1-1.

### 80252. Payment on Behalf of Mentally Incompetent Members

**a. Active Duty (Not for Training).** The provisions of chapter 2, part four, apply to these members.

**b. Active Duty for Training.** Except as provided in subparagraphs (1) and (2) below, a member of a Reserve component who becomes mentally incompetent while performing active duty for training has no entitlement to pay and allowances beyond the expiration or termination (whichever is earlier) of the orders that called the member to active duty for training.

(1) Member may qualify for disability pay and allowances under the provisions of paragraph 80254.

(2) Member may be entitled to miscellaneous payments resulting from separation, (i.e., travel allowance, accrued leave, etc.).

### 80253. Pay Entitlement of Members Missing, Missing in Action, Interned, etc., and Payments to Dependents

The provisions of chapter 3, part four, apply to members of the Reserve components.

### 80254. Pay and Allowances While Disabled

**a. Entitlement.** See table 8-2-4.

**b. Miscellaneous Provisions:**

(1) Duty Without Pay. If a member of a Reserve component otherwise covered by rules 1 through 4 of table 8-2-4 is serving without pay, pay and allowances will begin on the day the member initially incurred the disability or the date the member became disabled to perform military duties as determined by service medical authorities. Members otherwise covered by rule 6, table 8-2-4 will receive pay and allowances from the date of hospitalization. The rate of pay and allowances applicable is the same rate that the member would have been entitled to if in a pay status at the time the disability occurred.

(2) Incentive Pay for Hazardous Duty and Special Pay (Except Special Pay for Duty

Subject to Hostile Fire). A member is entitled to incentive pay for hazardous duty and special pay (under the provisions referenced below) beyond the date of the disability to the expiration of the period covered by orders, provided the orders to perform the hazardous duty remain in effect and all performance requirements are met.

(a) Foreign Duty Pay. See rules 4, 7, and 8, table 1-6-1.

(b) Career Sea Pay. See rules 7 and 8, table 1-7-1.

(c) Diving Duty Pay. See rules 3, 4, 5, and 9, table 1-11-1.

(d) Flying Pay. See rules 1 and 8, table 2-1-3.

(e) Submarine Duty Pay. See rules 5, 6, and 7, table 2-2-1.

(f) Demolition, Experimental Stress, Leprosarium, Parachute, and Flight Deck Duty Pay. See tables 2-3-1, 2-3-2, and rule 1, table 2-3-5.

(3) Special Pay—Duty Subject to Hostile Fire. Rule 8, table 1-10-1, applies to a member of a Reserve component.

(4) Injury or Disease Not in Line of Duty. Not in line of duty determinations cause pay and allowances to cease on the date of expiration of period of ordered active duty.

(5) Regular Leave and Sick (Convalescent) Leave. Regular leave does not accrue to a member who is disabled and receives pay and allowances beyond the effective date of orders calling the member to active duty. Therefore, this member is not entitled to lump-sum leave payment unless otherwise entitled to such payment, pursuant to the ordered period of active duty. A member may be granted sick (convalescent) leave incident to treatment for the disability. Pay and allowances continue in effect during periods of such leave. At the expiration of sick (convalescent) leave, the member is entitled to the credit of leave rations.

**c. Continuation of Pay and Allowances:**

(1) General. See rules 1 through 6, table 8-2-4.

(2) Awaiting Action on Disability Retirement Proceedings. Right to pay and allowances while temporarily disabled may continue after a member's release from hospitalization if disability retirement proceedings have begun, even though the member resumes a civilian occupation.

★**d. Termination of Pay and Allowances.** A member's entitlement to pay and allowances while disabled terminates upon:

(1) Retirement.

(2) Separation for physical disability.

(3) Determination by proper authority that the member has recovered sufficiently to perform normal military duties, or when actually restored to normal military duties, whichever occurs first. A member may not postpone the service examination necessary for preparation of a required medical certificate in order to extend the period of entitlement to continuation of pay and allowances authorized while disabled from injury in line of duty. NOTE: Attendance at a unit training assembly or performance of limited or restricted duty does not, in itself, constitute restoration to normal military duties.

(4) Discharge from the Reserve component.

(5) Day of release from hospital plus authorized travel time to home, provided that member is released as fit for active duty. (Rules 5 and 6, table 8-2-4.)

## 80255. Payments on Behalf of Deceased Members

★ **a. Death Gratuity.** The eligible beneficiaries of a member of a Reserve component are entitled to payment of death gratuity under the provisions of the DODPM, part four, chapter 5.

**b. Settling Deceased Members' Accounts.** The provisions of Section B, chapter 5, part four, apply to a member of a Reserve component.

## 80256. Disability Severance Pay

a. A member called or ordered to active duty (other than for training under 10 USC 270(b) ) for more than 30 days and separated for a physical disability which was the proximate result of the performance of such duty, is entitled to severance pay, if otherwise qualified under appropriate personnel regulations.

b. A member on active duty for 30 days or less, or a member on active duty training for any period (including active duty for training under 10 USC 270(b) ) and separated for physical disability resulting from injury is entitled to severance pay when the injury was the proximate result of performance of such duty, if otherwise qualified under appropriate personnel regulations.

c. Computation of severance pay will be as prescribed in chapter 4, part four.

## SECTION G—DEDUCTIONS AND COLLECTIONS

### 80261. Withholding Federal and State Income Tax

The provisions of sections A and B of chapter 1, part seven, apply to a member of a Reserve component; except that provisions regarding State income tax withholding do not apply to the pay of members of the National Guard for performance of duty or participation in exercises under 32 USC 502, or to the pay of members of the Ready Reserve for participation in scheduled drills or training periods or serving on active duty under 10 USC 270(a).

### 80262. Federal Insurance Contributions Act (FICA)

The provisions of chapter 2, part seven, apply to members of the reserve components.

### 80263. Deductions for US Soldier's and Airmen's Home (USSAH)

The pay of a member of a Reserve component is not subject to deductions for USSAH.

### 80264. Servicemen's Group Life Insurance (SGLI)

a. **Duty in Excess of 30 Days Specified.** The provisions of chapter 4, part seven, apply to a member of a Reserve component who is under a call or order to duty that does not specify a period of 30 days or less.

b. **Duty of 30 Days or Less Specified.** The provisions of section G, chapter 3, part eight, apply to a member of a Reserve component who is under a call or order to duty that specifies a period of 30 days or less.

### 80265. Courts-Martial Sentences

The provisions of chapter 5, part seven, apply to a member of a Reserve component.

### 80266. Nonjudicial Punishment

The provisions of chapter 6, part seven, apply to a member of a Reserve component.

### 80267. Stoppages and Collections Other Than Courts-Martial Forfeitures

The provisions of chapter 7, part seven, apply to a member of a Reserve component.

### 80268. Allotments for National Guard Members

Members of the National Guard who are not on extended active duty are authorized to make one allotment from pay for the payment of premiums under a group life insurance program sponsored by the State military department in which such member holds a National Guard membership or by the State associations of the National Guard. Details covering the administration of the allotment program for National Guard members are contained in the pay procedural instructions of the services concerned.

**TABLE 8-2-1**

## INCREASE IN PAY ON PROMOTION—RESERVE AND NG OFFICERS

| R U L E | A | B | C |
|---|---|---|---|
| | **When a Reserve officer is** | **in the** | **the effective date of increase in pay and allowances is the** |
| 1 | promoted to a higher Reserve grade | Army or Air Force Reserve or NG | effective date of the promotion stated in the orders |
| 2 | promoted under chapter 549 of Title 10 USC to a grade above lieutenant (jg) | Naval Reserve | date on which officer became eligible for promotion to the higher grade (see note) |
| 3 | promoted under chapter 549 of Title 10 USC to grade above first lieutenant | Marine Corps Reserve | |
| 4 | promoted under section 5908 of Title 10 USC to the grade of lieutenant (jg) | Naval Reserve | date given as date of rank |
| 5 | promoted under section 5908 of Title 10 USC to the grade of first lieutenant | Marine Corps Reserve | |

NOTE: If an officer has not established the moral and professional qualifications prescribed by the Secretary of the Navy under section 5867 of Title 10 within 1 year after the date on which the President approved the selection board's recommendation for promotion, officer is entitled to the pay and allowances of the grade to which promoted only from the date appointed to that grade.

TABLE 8-2-2

ENTITLEMENT TO PAY AND ALLOWANCES FOR VARIOUS PERIODS OF ACTIVE DUTY

| R U L E | A | B | C | |
|---|---|---|---|---|
| | | | then he is entitled to pay and allowances for | |
| | If a member serves on active duty under competent orders for | during the period | active duty for | and lump-sum settlement of accrued leave |
| 1 | 31 days | 1–31 May | 30 days (note 1) | yes |
| 2 | 40 days | 2 Jan—10 Feb | 39 days (note 1) | yes |
| ★3 | 29 days | 4 Jan—1 Feb | 29 days | no |
| 4 | 28 days | 1–28 Feb (not leap year) | 28 days | no |
| 5 | 28 days | 1–28 Feb (leap year) | 28 days | no |
| 6 | 29 days | 1–29 Feb (leap year) | 29 days | no |
| 7 | 33 days | 6 Feb—10 Mar | 35 days (note 2) | yes |
| 8 | 29 days | 2 Feb—2 Mar (not leap year) | 29 days | no |
| ★9 | 30 days | 2 Feb—2 Mar (leap year) | 31 days (note 3) | yes |
| 10 | 31 days | 1 Feb—2 Mar (leap year) | 32 days (note 3) | yes |
| 11 | 29 days | 1 Feb—1 Mar (not leap year) | 29 days | no |
| ★12 | 30 days | 2 Jan—31 Jan | 29 days (note 1) | yes |

NOTES:
1. Member is not entitled to pay and allowances for the 31st day of the calendar month.
2. Member is entitled to pay and allowances (except BAS for enlisted members) for the constructive days of 29 and 30 Feb.
3. Member is entitled to pay and allowances (except BAS for enlisted members) for the constructive day of 30 Feb.

DELETE TABLE 8-2-3

TABLE 8-2-4

PAY AND ALLOWANCES WHILE DISABLED—MEMBERS SERVING WITH PAY

| R U L E | A | B | | C | D |
|---|---|---|---|---|---|
| | If a member of | is disabled in the line of duty due to | | while | then the member is |
| | | injury | disease | | |
| 1 | A Reserve component | X | | serving on active duty for any period of time, or while performing authorized travel to or from such duty or training (note 1) | entitled to active duty pay and allowances until the orders terminate. If disability continues beyond the termination of orders, or if there is a subsequent recurrence of this disability, and the member is unfit to perform normal military duty per medical authority, entitlement exists to active duty pay and allowances and medical benefits commensurate with the Regular forces. (notes 2, 4, 5, and para 80254b(5)). |
| 2 | | | X | serving on active duty for a period of more than 30 days (except for additional training of 45 days or less under 10 U.S.C. 270 (b)) or while performing authorized travel to or from such duty | |
| 3 | | X | | ordered to temporary duty for physical examination incident to an active duty assignment and is disabled while traveling to or from the temporary duty station. | |

|  |  |  |  |  |  |
|---|---|---|---|---|---|
| 4 |  | X |  | performing inactive duty training (including additional flying training periods) | entitled to inactive duty pay for the day member is disabled. If disability continues beyond the inactive duty training date, or if there is a subsequent recurrence of this disability, and the member is unfit to perform normal military duty per medical authority, entitlement exists to active duty pay and allowances and medical benefits commensurate with the Regular forces. (notes 2, 4 and 5) |

TABLE 8-2-4—Continued

| R U L E | A | B | | C | D |
|---|---|---|---|---|---|
| | If a member of | is disabled in the line of duty due to | | while | then the member is |
| | | injury | disease | | |
| 5 | A Reserve component, other than Navy and Marine Corps Reserve | | X | performing additional training of 45 days or less under 10 U.S.C. 270 (b) | entitled to the basic pay and allowances to which entitled at the time the disease was contracted. Such entitlement exists during periods of hospitalization or rehospitalization but not for more than a total of 6 months after the end of the member's prescribed tour of duty or training. The member is entitled to subsistence during periods of hospitalization or rehospitalization past the period of entitlement to pay and allowances. (notes 2 and 6). |
| 6 | | | X | serving on active duty for 30 days or less | |
| 7 | The Navy or Marine Corps Reserve | | X | serving on active duty for 30 days or less | not entitled to pay and allowances beyond the date authorized by the orders. (note 3). |
| 8 | | | X | performing additional training of 45 days or less under 10 U.S.C. 270 (b) | |
| 9 | A Reserve component | | X | performing inactive duty training (including additional flying training periods) | not entitled to pay and allowances beyond the date of performance of such inactive duty training. |

NOTES:

1. For the purpose of medical and disability entitlements, a member is considered in a travel status upon departing residence with the intention of going directly to the place where ordered to perform duty and terminates upon direct return to residence upon completion of the tour of duty.

2. Member is also entitled to hospitalization, rehospitalization, and medical and surgical care in a hospital or at home. Entitlement exists only until the disability cannot be materially improved by further hospitalization or treatment. Member is also entitled to necessary transportation to the hospital and return home.

3. Member is entitled to receive medical, hospital, and other treatment appropriate for the disability at Government expense. The treatment will be continued until the disability resulting from the illness or disease cannot be materially improved by further treatment. Such a member is also entitled to necessary transportation and subsistence incident to treatment and return to home upon discharge from treatment.

4. Entitlement to active duty pay and allowances and medical benefits commensurate with the regular forces is not affected by resumption of normal civilian occupation, includes Government civilian occupation.

5. Failure of the member to provide current and sufficient information as established by administrative regulations of the service concerned may result in the discontinuance of active duty pay and allowances.

6. The term "hospitalization or rehospitalization" is meant to include periods of disability while under medical treatment in an outpatient status. See paragraph 80254d(3).

# CHAPTER 3

# PAY AND ALLOWANCES FOR INACTIVE DUTY TRAINING

## SECTION A—GENERAL PROVISIONS

### 80301. Entitlement and Computation of Basic and Special Pay

**a. Inactive Duty Training With Pay.** A member of a Reserve component is entitled to one-thirtieth of the monthly basic pay prescribed for grade and years' service for the performance of each authorized period of:

(1) Regular inactive duty training (drill or Unit Training Assembly (UTA));

(2) Equivalent training, instruction or duty;

(a) Army—For details and exceptions, see AR 140-1 and NGR 350-1.

(b) Navy—See BUPERS Instruction 5400.42 Series.

(c) Air Force—See ANGM 50-01 and table 11-1, AFR 35-41.

(d) Marine Corps—See MCO P1001R.43.

(3) Appropriate duty;

(4) Additional flying training period (AFTP); or

(5) Additional inactive duty training.

To qualify for pay for a period of inactive duty training, each member must engage in such duty or training for the period (not less than 2 hours) prescribed by the Secretary of the service concerned. Compensation will not accrue for periods of inactive duty performed in excess of the number authorized by the appropriate regulations of the service concerned. NOTE: A member cannot qualify for pay for more than two periods of inactive duty training during a single calendar day.

**b. Inactive Duty Training Without Pay.** Members of the Reserve components may, with their consent, be ordered to inactive duty training without pay when authorized by the Secretary of the service concerned.

**★c. Combination Active Duty and Inactive Duty.** A member of a Reserve component may be paid the equivalent total of more than 360 days' pay in a year, when so directed, if this total is based on a combination of active duty pay and inactive duty training pay.

### 80302. Limitation

A member cannot accrue pay for inactive duty training performed on a day on which also entitled to basic pay for active duty or active duty for training.

### 80303. Waiver of Benefits

The provisions of paragraph 80204 apply to a member of a Reserve component who performs inactive duty training in a pay status.

### 80304. Allotment of Pay

Except as prescribed in paragraph 80268, a member of a Reserve component is not authorized to allot inactive duty training pay.

### 80305. Special Pays

A member of a Reserve component is not entitled to special pays for periods of inactive duty training.

## SECTION B—INCENTIVE PAY

### 80311. Entitlement

A member of a Reserve component who is in a pay status is entitled to incentive pay for hazardous duty performed during periods of inactive duty training if serving under competent orders and otherwise meets the requirements of this section. Members entitled to incentive pay for hazardous duty will be credited with one-thirtieth the applicable monthly rate for each authorized period of inactive duty training of not less than 2 hours.

## 80312. ACIP or Flying Pay

A member of a Reserve component who performs inactive duty training in a pay status is entitled to ACIP or incentive pay for flying under the conditions of sections A or B, chapter 1, part two. Effective 12 Jul 1973 the provision of paragraph 20103a(1) or 20123a(1) regarding the use of hours flown during the preceding 5 months not already used to qualify for flight pay, are equally applicable to members otherwise eligible who are performing inactive duty training. Exception: Minimum flight requirements are one-half of those prescribed for a member on active duty, that is, 2 hours per month when the calendar month is the unit period. If a fraction of a calendar month is the unit period, flying time required for such period will be as shown in table 2-1-2 under "Inactive Duty." A member who has performed less than the total number of regularly scheduled drills or unit training assemblies during a month or a fractional part of a month must meet the minimum flight requirements for the month or fraction thereof, in order to be entitled to any flying pay for the drills or unit training assemblies actually performed. When scheduled inactive duty training was not attended and performed in a subsequent month, flying pay for such period(s) is payable, provided the member met minimum flight requirements for each period involved.

**a. Combined Flight Requirements.** Flying time accumulated during periods of active duty or active duty for training may not be used to satisfy inactive duty flight requirements.

(1) Active Duty During One Calendar Month. Flying time accumulated during periods of inactive duty training which is in excess of inactive duty flight requirements may be applied to active duty or active duty for training flight requirements. However, requirements for the inactive duty training portion of the month must be satisfied before flying time can be applied to the active duty or active duty for training portion.

**Example 1:** Member performs 15 days' active duty and is in an inactive duty training status 15 days in the same calendar month. Member must perform 3 hours of flying to qualify for incentive pay for that month—2 hours for the active duty (fifteen-thirtieths of 4 hours); and 1 hour (fifteen-thirtieths of 2 hours) for the inactive duty training. Excess flying hours accumulated during inactive duty training under paragraphs 20103a(1) or 20123a(1) may be used to meet the requirements for this entire period, if available.

**Example 2:** Member reported for active duty for training for the period 1-15 January. Member completed 4 hours of flying during this time. Member performed no flights on inactive duty training 16-31 January. Credit flying pay for the period 1-15 January only, unless the member has excess flying hours accumulated from prior periods of inactive duty training under subparagraph 20103a(1) or 20123a(1). In such case member may also receive flying pay credit for the period 16-31 January.

(2) Active Duty of Less Than One Calendar Month Covering Parts of Two Calendar Months. When active duty of less than 1 month covers parts of 2 consecutive calendar months, flights performed on inactive duty training may be combined to satisfy requirements for the whole period of active duty if the inactive duty flight requirements for both months have been met.

**Example 1:** Member performed 3.4 hours of flying while on an inactive duty training status from 1-23 April. Member did not fly during active duty for training period of 24 April-7 May or while in an inactive duty training status 8-31 May. 1.1 excess flying hours were accumulated before 1 April. Flying time of 3.4 hours is first applied to the inactive duty training flight requirements for April (1.6 hours) and then to active duty flight requirements for April (1.0 hours). The .8 excess flying hours during April added to the 1.1 excess flying hours accumulated before April results in 1.9 excess flying hours available to apply against May flight requirements. May flight requirements total 2.6 hours (24 days inactive duty requires 1.6 hours; 7 days active duty requires 1.0 hours; see table 2-1-2). Accumulated excess hours are first applied to the inactive duty training flight requirements. Do not credit pay for the period 1-7 May since only 0.3 unused hours available is less than the 1.0 hours requirement.

**Example 2:** Member performed the following flights while on active and inactive duty training during parts of 2 calendar months. No excess flying hours were available on 1 March.

| Periods | Time Flown | Flight Requirements |
|---|---|---|
| (Inactive)<br>1-15 Mar | 1.8 hrs | 1 hr |
| (Active)<br>16-31 Mar | 1.2 hrs | 2.2 hrs |
| (Active)<br>1-9 Apr | 1 hr | 1.2 hrs |
| (Inactive)<br>10-30 Apr | 1.6 hrs | 1.4 hrs |

NOTE: The continuous period of active duty training (16 March-9 April) is a unit period of 25 days requiring 3.4 hours flying time. For that reason, the 31st day of March imposes required flying time. Since this member is unable to meet the flight requirements for the active duty flight period which covers parts of 2 calendar months, it is necessary to determine if the member can meet the single month's requirements. The month of March standing alone requires a composite of only 3 hours of flying time, and the month of April requires 2.6 hours. Thus, the member qualifies for flying pay for each inactive duty period and for the active duty training periods.

**b. Additional Flying Training Periods.** A member who performs an additional flying training period (AFTP) in a pay status if otherwise qualified is entitled to incentive pay for flying if member meets the flight requirements of this paragraph for the month in which the AFTP is performed. Flying time accumulated during an AFTP may be used to satisfy requirements for inactive duty training. Flying time accumulated in excess of inactive duty flight requirements may be used to satisfy flight requirements for periods of active duty or active duty for training under the provisions of paragraphs a(1) and (2).

**c. Operational Flying.** Flying duty required by competent orders and performed by members of a Reserve component, irrespective of unit of assignment, is considered to be operational flying.

## 80313. Submarine Duty Pay

A member of a Reserve component who participates in scheduled drills aboard a submarine during underway operations, while under competent orders, and in a pay status, is entitled to incentive pay for submarine duty.

## ★80314. Parachute Duty Pay

A member of a Reserve component who performs inactive duty training in a pay status is entitled to incentive pay for parachute duty under the provisions of part 2, chapter 3, section B.

a. Parachute jumps performed during periods of inactive duty training or active duty for training qualify a member for incentive pay for either type of duty. b. Parachute jumps performed while on extended active duty do not quality a member for incentive pay for inactive duty training. (See paragraph 80201, note.)

## 80315. Flight Deck Duty, Demolition Duty, Experimental Stress Duty, and Leprosarium Duty

A member of a Reserve component who performs inactive duty training in a pay status is entitled to incentive pay under provisions of chapter 3, part two.

SECTION C—RESERVED

## SECTION D—ALLOWANCES

### 80331. Clothing Monetary Allowances—Enlisted Members

★Except as provided for in subparagraphs a through c below, an enlisted member of a Reserve component is not entitled to any cash clothing allowances when on inactive duty training.

**a. Special Initial Clothing Monetary Allowance (Navy).** Enlisted members of the Naval Reserve who are assigned to Selected Reserve units or non-pay units are entitled to a special initial clothing monetary allowance in the amount of one-half the special initial clothing monetary allowance prescribed for chief petty officers on active duty:

(1) Upon first promotion to chief petty officer;

(2) Upon joining a Selected Reserve unit or non-pay unit, if in pay grade E-7 or above, and provided more than 90 days have elapsed since last discharge or release from active duty, and more than 4 consecutive years have elapsed since last entitlement to a clothing monetary allowance for an outfit of chief petty officer clothing.

**b. Quarterly Maintenance Clothing Allowance (Navy).** Chief petty officers of the Naval Reserve who are assigned to Selected Reserve units, or non-pay units, and who have participated in a minimum of 75 percent of the regularly scheduled drills in the quarter concerned are entitled to a Reserve quarterly maintenance clothing allowance (RMA) in the amount of $3 per quarter. Participation in authorized equivalent drills and drills missed as a result of active duty for training will be considered participation in regularly scheduled drills for purposes of entitlement to a Reserve quarterly maintenance clothing allowance. A chief petty officer who is advanced to that grade or who becomes a member of a pay unit in a pay or non-pay status on other than the first day of quarter is not entitled to a quarterly allowance until the first day of the next quarter. The allowance will not be paid for a fractional part of a quarter.

**★c. Initial Cash Allowance for Female enlisted Member.** A female enlisted member of a Reserve component is entitled to an initial cash allowance for the purchase of underclothing and personal items not available in the defense supply system as determined by the Secretary of the Military Department concerned (see paragraph 30515).

### 80332. Officers' Uniform and Equipment Allowances

**a. Initial Uniform Allowance.** An officer of a Reserve component is entitled to an initial uniform allowance upon completing 14 periods of inactive duty training as an officer in the Ready Reserve, provided each period is of at least 2 hours duration (see also paragraph 30602).

**b. Uniform Maintenance Allowance.** An officer of a Reserve component who has not become entitled to a uniform allowance during the preceding 4 years is entitled to $50 as reimbursement for the purchase of required uniforms and equipment upon completion of each period, after 9 Jul 1952, of 4 years of Satisfactory Federal Service (SFS) in an active Reserve status in one or more Reserve components, including at least 28 days of active duty or active duty for training. A year of SFS is any year in which member is credited with 50 points earned as a member of a Reserve component of an Armed Force or in the Army or Air Force without component.

(1) Restrictions. The following periods of service will not be included in the computation of 4 years of SFS.

(a) Any period of active duty or active duty for training of more than 90 consecutive days.

(b) Any period of duty during which the officer is not required to wear the uniform.

(c) Any service as an enlisted member of the Reserve components.

(d) A 4-year period of SFS completed before 3 Oct 1964 if part of the service was performed in a different Reserve component. However, a 4-year period of SFS completed on or after 3 Oct 1964 may include service in a different Reserve component, even though such service was performed before 3 Oct 1964 (see example 1).

(2) Examples—Uniform Maintenance Allowance (UMA):

**Example 1:** An officer completed 2 years of SFS in the Air Force Reserve on 3 Mar 1965, at which time the Reserve unit was deactivated. On 1 Apr 1965, the officer transferred to an ANG unit thereafter earning points as follows:

1 Apr 1965-31 Mar 1966 50 points
1 Apr 1966-31 Mar 1967 50 points

On 1 Apr 1967, it was determined that the officer had completed 2 years of SFS in the ANG as of 31 Mar 1967. This may be combined with the 2 years of SFS earned in the Air Force Reserve unit to qualify the officer for a $50 UMA as of 31 Mar 1967.

**Example 2.** An officer completed 2 years of SFS in the Army Reserve on 31 Mar 1963, at which time the Reserve unit was deactivated. On 1 Apr 1963, the officer transferred to an ANG unit, and was paid an initial uniform allowance because a different uniform was required, thereafter earning points as follows:

1 Apr 1963-31 Mar 1964 50 points
1 Apr 1964-31 Mar 1965 30 points
1 Apr 1965-31 Mar 1966 50 points
1 Apr 1966-31 Mar 1967 50 points

On 1 Apr 1966, it was determined that the officer had completed 2 years of SFS in the ANG as of 31 Mar 1966. This may be combined with the 2 years of SFS earned in the Army Reserve to give the officer a total of 4 years of SFS. However, a UMA was not payable until 1 Apr 1967—4 years after the date the officer was paid the initial uniform allowance. Note that the required period of 4 years since entitlement to the last allowance (an initial allowance in this case) does not have to be 4 years of SFS.

**Example 3:** An officer completed 2 years of SFS in the Army Reserve on 31 Mar 1963 and transferred to the Marine Corps Reserve on 1 Apr 1963. The officer was immediately called to active duty for more than 90 days and qualified for both the initial and active duty allowances, thereafter earning points as follows:

1 Apr 1963-30 Jun 1963 (note 1)
1 Jul 1963-31 Mar 1964 30 points
1 Apr 1964-31 Mar 1965 50 points
1 Apr 1965-15 Jul 1965 (note 2)
16 Jul 1965-31 Mar 1966 30 points
1 Apr 1966-31 Mar 1967 50 points

NOTE 1: Active duty (must be excluded)
NOTE 2: Active duty (must be excluded, officer did not qualify for active duty allowance). On 1 Apr 1965, it was determined that the officer had completed 1 year of SFS for UMA purposes as of 30 Jun 1964. On 1 Apr 1966, it was determined that the officer had not completed another year of SFS for UMA purposes as of 30 Jun 1965 because the period of active duty, 1 Apr-15 Jul 1965, had to be excluded. However, it was determined that the year of SFS was completed as of 31 Oct 1965. These 2 years may be combined with the 2 years of SFS earned in the Army Reserve to give the officer 4 years of SFS. However, payment of the $50 UMA could not be made until 1 Apr 1967—4 years after entitlement to last allowance.

**Example 4:** An officer began a 4-year period of Federal Service on 1 Jul 1949, and earned points as follows:

1 Jul 1949-30 Jun 1950 50 points
1 Jul 1950-30 Sep 1950 (note)
1 Jul 1950-30 Sep 1951 30 points
1 Jul 1951-30 Jun 1952 50 points
1 Jul 1952-30 Jun 1953 50 points
1 Jul 1953-30 Jun 1954 50 points

NOTE: Active duty (more than 90 days, must be excluded; officer did not qualify for active duty allowance)

While this officer had completed the 4 years of SFS on 30 Sep 1953 to qualify for the $50 UMA, this could not be determined until 1 Jul 1954, when the officer completed the year of SFS from 1 Jul 1953-30 Jun 1954, and was credited with the $50 UMA on 1 Jul 1954.

**Example 5:** An officer began a 4-year period of Federal service on 1 Jul 1949, and earned points as follows:

1 Jul 1949-30 Jun 1950 50 points
1 Jul 1950-30 Jun 1951 30 points
1 Oct 1950-31 Dec 1950 (note)
1 Jul 1951-30 Jun 1952 50 points
1 Jul 1952-30 Jun 1953 50 points
1 Jul 1953-30 Jun 1954 50 points
1 Jul 1954-30 Jun 1955 50 points

NOTE: Active duty (more than 90 days, must be excluded, officer qualified for active duty allowance of $100)

On 1 Jul 1954, it was determined that the officer had completed 4 years of SFS as of 2 Oct 1953. However, the member was not entitled to the $50 UMA until 4 years after date of entitlement to the last allowance, which was 1 Oct 1950. The member was credited with the $50 UMA on 1 Oct 1954.

## SECTION E—MISCELLANEOUS PAYMENTS

### 80341. Pay and Allowances While Disabled

A member of a Reserve component who is disabled while performing inactive duty training, with or without pay, is entitled to pay as prescribed in rules 4 and 9, table 8-2-4.

### 80342. Payment on Behalf of Deceased Members

**a. Death Gratuity.** The eligible beneficiaries of a member of a Reserve component are entitled to payment of death gratuity, regardless of whether death occurred in the line of duty or was the result of the member's misconduct, if member dies:

(1) While on inactive duty training.

(2) From an injury incurred while traveling directly to or from inactive duty training.

(3) Within 120 days after discharge or release from inactive duty training, if the Administrator of Veteran's Affairs determines that death resulted from an injury incurred or aggravated while performing, or traveling directly to or from such training.

**b. Eligible Beneficiaries.** The provisions of table 4-5-1 apply to a member of a Reserve component.

**c. Determining Eligible Beneficiaries.** The provisions of paragraph 40504 apply to a member of a Reserve component.

**d. Determination Affecting Entitlement.** The provisions of paragraph 40505 apply to a member of a Reserve component.

**e. Amounts Payable.** The provisions of paragraph 40506 apply to a member of a Reserve component.

**f. Expediting Payments.** The provisions of paragraph 40507 apply to a member of a Reserve component.

**g. Erroneous Payment.** The provisions of paragraph 40509 apply to a member of a Reserve component.

**h. Settling Deceased Members' Accounts.** The provisions of section B, chapter 5, part four, apply to a member of a Reserve component.

### 80343. Disability Severance Pay

a. A member who performs inactive duty training and is separated for physical disability due to injury which was the proximate result of the performance of such duty, is entitled to severance pay, if otherwise qualified under appropriate personnel regulations.

b. Computation of severance pay will be as prescribed in chapter 4, part four.

## SECTION F—DEDUCTIONS AND COLLECTIONS

### 80351. General

Inactive duty training pay is subject only to the deduction and collections covered in this section.

### 80352. Withholding Income Tax

Except for additional withholding, unless provided in regulations of the service concerned, and except for State income tax withholding, and combat zone tax exclusion, the provisions of chapter 1, part seven, apply to a member of Reserve component who is performing inactive duty training.

### 80353. Courts-Martial Sentences

The provisions of chapter 5, part seven, apply to a member of a Reserve component who is performing inactive duty training.

### 80354. Nonjudicial Punishment

a. The provisions of chapter 6, part seven, except paragraph 70603b, apply to a member of a Reserve component who is performing inactive duty training.

b. The maximum forfeiture and/or detention of pay to which a member of a Reserve component is subject, while in an inactive duty status, is limited to one-half of the inactive duty training pay to which entitled during the period of the sentence. This applies also to a member who is on active duty for training when the nonjudicial punishment is imposed, and reverts to an inactive duty status during the period of the sentence.

### 80355. Stoppages and Collections Other Than Courts-Martial Forfeitures

The provisions of chapter 7, part seven, apply to a member of a reserve component who is performing inactive duty training. Remission of indebtedness is not applicable to a member in an inactive duty status.

### 80356. Waiver of Claims for Erroneous Payment of Pay and Allowances

See paragraph 70751.

### 80357. Legal Process for the Enforcement of Child Support and Alimony Obligations

See paragraphs 70710, 70711, and 70712.

## SECTION G—SERVICEMEN'S GROUP LIFE INSURANCE (SGLI)

### 80361. Entitlement

Public Law 89-214 dated 29 Sep 1965 as amended by Public Law 91-291 effective 25 Jun 1970, and Public Law 93-289, effective 24 May 1974, provides for SGLI coverage designated as either full-time or part-time coverage. Effective 1 Dec 1981, this program automatically insures eligible members against death in an amount of $35,000, except as provided in paragraph 80362.

### 80362. Elections

A member who does not desire $35,000 SGLI coverage may elect in writing to be insured to $30,000, $25,000, $20,000, $15,000, $10,000, $5,000, or not to be insured. A member who elects either not to be insured or reduced coverage may subsequently apply for $5,000, $10,000, $15,000, $20,000, $25,000, $30,000, or $35,000 SGLI coverage.

### 80363. Part-Time Coverage

Amounts for premium deductions for part-time coverage are as follows: $3.50 per fiscal year for $35,000; $3.00 per fiscal year for $30,000; $2.50 per fiscal year for $25,000; $2.00 per fiscal year for $20,000; $1.50 per fiscal year for $15,000; $1.00 per fiscal year for $10,000; $.50 per fiscal year for $5,000. The premium due is for the entire fiscal year without regard for the portion thereof a member serves duty which qualifies for this coverage; the premium is not prorated. Amounts deducted for automatic coverage before the effective date of a declination or an election of a lesser amount of coverage are not refunded to the member.

### 80364. Forfeiture of SGLI

See provisions of paragraph 70404.

### 80365. Settlement of SGLI Claims

Claims must be sent to, and will be paid by, the Office of Servicemen's Group Life Insurance.

# CHAPTER 4

# PAYMENT OF MEMBERS OF THE SENIOR RESERVE OFFICERS TRAINING CORPS (ROTC)

## ★80401. Subsistence Allowance

**a. Cadets or Midshipmen.** Except while performing field training or at sea training, a cadet or midshipman appointed under section 2107 of title 10, USC, is entitled to subsistence allowance at the rate of $100 per month for the following periods:

(1) A member enrolled in the first 2 years of a 4- or 5-year program is entitled to receive the allowance beginning on the day the member begins the first term of college work but not for more than 20 months. The 20 months is based on a normal 10-month academic school year. If the member is attending an institution that has an academic school year that is shorter than the normal 10-month year, subsistence allowance is authorized only for the period of the shorter academic school year.

(2) A member enrolled in the advanced course is entitled to subsistence allowance as prescribed for members enrolled under section 2104, title 10, USC, under b below. For vacation periods, see d(2) below.

**b. Members Selected for Advanced Training.** Except while performing field training or at-sea training, a member of the ROTC program who is selected for advanced training under section 2104 of title 10, USC, is entitled to subsistence allowance at the rate of $100 per month beginning on the day advanced training starts and ending upon completion of instruction under that section, but not for more than 20 months (30 months when the Service Secretary has authorized the individual extended entitlement because of a 5-year program).

**c. Accelerated Completion of Military Instruction.** A member participating in the Senior ROTC program under sections 2104 or 2107 of title 10, USC, at an institution which is withdrawn from the programs may complete the third and fourth years (or the fourth and fifth years of an approved 5-year program) of military training in the third year (or the fourth year of a 5-year program) and be paid subsistence allowance during the fourth academic year (or the fifth year of a 5-year program), as though enrolled for training in the fourth year (or the fifth year of a 5-year program).

**d. Limitations:**

(1) Deduction for Period of ROTC Summer Field Training and At-Sea Training.

(a) At institutions operating a normal academic calendar year, students will not accrue entitlement to subsistence allowance during the period of the prescribed field training or at-sea training even though the student does not attend this training. However, if the academic class of which the student is a member is continued beyond the commencement of summer training, the member will be allowed subsistence for the period so held.

(b) At institutions operating an accelerated program, students who actually participate in institutional ROTC training during the normal summer vacation period may be paid the subsistence allowance during such period subject to the monthly limitations indicated in a and b above.

(c) The amount of the deduction for subsistence allowance is determined by the length of the ROTC field training or at-sea training, during the summer vacation immediately following entry upon the work of the advanced course.

(2) Vacations:

(a) A cadet or midshipman appointed under section 2107 of title 10, USC, and enrolled in the first 2 years of a 4- or 5-year program, is not entitled to subsistence allowance for periods between the academic school years, for example, summer vacations after the first and second years.

(b) A member enrolled in or selected for the advance course is entitled to subsistence allowance during the first summer vacation period (and the second summer vacation period if the individual is participating in an approved 5-year program) after entering upon the training of the advanced course and during which the member remains enrolled in the program, less the period of ROTC field training or at-sea training, whether attended or not, and periods of annual training as a member of the ROTC/Selected Reserve. Payment is authorized for only one summer vacation period (except those who are enrolled in an approved 5-year program may receive subsistence for two summer vacation periods).

(3) Government Meals Furnished Without Charge. ROTC members will have deducted from their subsistence allowance on a per meal basis the charge for Government meals furnished without charge. The total deduction for any day will not exceed one-thirtieth of the subsistence allowance.

**c. Payment Procedures.** Detailed instructions governing the payment of subsistence allowances to the respective ROTC members are contained:

(1) **Army:** AR 37-104-3.

(2) **Navy:** Regulations for the administration and management of the Naval Reserve Officers Training Corps (NROTC), CNET Instruction 1533.12 Series.

(3) **Air Force:** AFR 45-25 and AFROTC Manual 170-1.

## 80402. Subsistence Allowance for Marine Corps Platoon Leaders Class

Except while serving on active duty, a member of the Marine Corps Platoon Leaders Class program is entitled to subsistence allowance at the rate of $100 per month. Detailed instructions governing the payment of the subsistence allowance are in MCO P7220.31D.

## 80403. Travel and Transportation Allowances

A cadet midshipman appointed under 10 U S C 2107 is entitled to travel and transportation allowances as prescribed in paragraph M6004-4, Joint Travel Regulations.

## 80404. Commutation in Lieu of Uniforms

**a. Army:** See AR 710-2.

**b. Navy:** See Naval Reserve Officers Training Corps Regulations, CNET Instruction 7220.2 Series.

**c. Air Force:**See AFROTC Manual 170-1 and AFR 45-25.

## 80405. Textbook Allowances—Scholarship Cadets and Midshipmen

**a. Army:** No specific monetary entitlement. Required texts are issued by respective universities, which in turn are reimbursed with appropriated funds.

**b. Navy:** See Naval Reserve Officers Training Corps Regulation, CNET Instruction 7330.3 series.

**c. Air Force:** See AFROTC Manual 170-1 and AFR 45-25.

## 80406. Allotments

A member or applicant for membership in the ROTC program is not authorized to register allotments.

## 80407. Nonentitlement to Reserve Drill Pay (Navy)

Drill payments to NROTC members are authorized only for students selected for advanced training in their freshman and sophomore years and who specifically request continuation in a drill status.

## 80408. Field Training or At-Sea Training

**a. Basic Pay.** A member or applicant for membership in the ROTC program is entitled pay at the monthly rate prescribed in table 1-2-5. Pay status begins on the day of arrival at the training site or on the effective date of orders, whichever is later, and ends on the day the member or applicant is relieved from such training. Member is not entitled to basic pay while performing authorized travel to or from the training site.

NOTE: A member or applicant for membership in the ROTC program is not entitled to longevity increases.

**b. Special and Incentive Pay.** A member or applicant for membership in the ROTC program is not entitled to special or incentive pay.

**c. Allowances.** A member or applicant for membership in the ROTC program is not entitled to allowances while performing field training or at-sea training except as authorized in subparagraph d below.

**d. Travel and Transportation Allowances.** A member or applicant for membership in the ROTC program may be furnished travel and transportation allowances as prescribed in paragraph M6004-1, Joint Travel Regulations.

**e. Deductions.** The basic pay of a member or applicant for membership in the ROTC program is income subject to withholding for Federal income tax and Federal Insurance Contributions Act taxes (FICA). (See Treasury circular E and subparagraph 70203f for rates of deduction.)

**f. Servicemen's Group Life Insurance (SGLI).** Public Law 89-214, 29 Sep 1965, as amended by Public Law 91-291, effective 25 Jun 1970 and Public Law 93-289, effective 24 May 1974, provides for SGLI coverage to Reserve Officer Training Corps members.

(1) Part seven, chapter 4, applies to members, cadets, or midshipmen of the Reserve Officers Training Corps performing full-time duty while attending field training or practice cruises under calls or orders not limited to 30 days or less.

(2) Part eight, chapter 3, section G, applies to members, cadets, or midshipmen of the Reserve Officers Training Corps performing full-time duty while attending field training or practice cruises under calls or orders limited to 30 days or less.

(3) Member, cadet, or midshipman is provided SGLI coverage while proceeding directly to or returning directly from place where such duty is performed.

## 80409. Disability Benefits

**a. Entitlement.** A member or applicant for membership in the ROTC program who suffers disability from an injury incurred in the line of duty while performing field training or at-sea training under chapter 103 of Title 10, U.S.C., is entitled to:

(1) Pay at the rates prescribed in paragraph 80408a through the day before the day the member becomes totally disabled (permanent; or temporary if disability exceeds 21 days), or through the third day of temporary total disability if the period of total disability does not exceed 21 days. If member resumes training during the training period stated in the orders, the member is entitled to the rates of pay prescribed in paragraph 80408a. Each service has regulations which contain information as to benefits under the Federal Employees Compensation Act (FECA) payable during the period of disability for which rates in paragraph 80408a are not applicable.

(2) Subsistence, quarters, and necessary medical and surgical care, including hospitalization, while at, or traveling to or from, an installation for medical treatment or examination.

**b. Members Injured While En Route to or from Field Training or At-Sea Training.** A member of the ROTC who is injured and hospitalized in the line of duty while en route to or from field training or at-sea training under chapter 103 of Title 10, U.S.C., is entitled to a subsistence allowance, as prescribed in paragraph 80401, through the day before the day the member becomes disabled for a period of 21 days or more, or through the third day of disability if the period of disability does not exceed 21 days.[3]As in subparagraph a above, FECA benefits apply to the disability period under these circumstances.

**c. Suspension of Benefits on Return to Active Duty.** Disability benefits payable under subparagraphs a and b above are suspended if the member or applicant returns or enters on active duty with the Armed Forces. They may be reinstated after the member's release from active duty.

## 80410. Payments on Behalf of Deceased Members

Beneficiaries of any member or applicant for membership in the ROTC program who suffers death under the conditions specified in paragraph 80409a are entitled to:

a. Death gratuity under the provisions of part four, chapter 5, section A.

b. Unpaid pay and allowances under the provisions of part four, chapter 5, section B.

## 80411. ROTC Graduates Ordered to Active Duty

**a. Officers Ordered to Extended Active Duty.** The provisions of parts one through seven apply to these officers.

**b. Officers Performing Initial Periods of Active Duty Training Under 50 USC App 454(d) or 456(d).** The provisions of part eight, chapter 2, apply to these officers.

# CHAPTER 5

# PAYMENT OF MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

## 80501. Authority

Public Law 92-426 established the Armed Forces Health Professions Scholarship Program. Under this program selected individuals are appointed commissioned officers in the Reserve components and detailed to civilian institutions for training in a health profession.

## 80502. Pay Entitlement

**a. Stipend.** Except during periods of active duty (see b below), members enrolled in this program are entitled to a stipend of $602 per month (effective 1 Jul 1984) including periods of absence. Any further annual adjustments shall become effective the first day of the month of the next succeeding academic year which is designated as beginning on July 1.

(1) Payment. The stipend is payable during the course of study and during vacation periods when members are not on active duty. The stipend is prorated for portions of a month at the beginning and end of the course of study and at the beginning and end of any active duty period.

(2) Termination. Some students complete their professional degree requirements several months before the formal graduation ceremony and conferral of the professional degree. In those cases where the actual award of the professional degree is a prerequisite to recommissioning into a professional corps or utilization in the profession, and a lapse of time occurs for administrative reasons, the payment of the stipend should be terminated. The date for termination of the stipend should be the completion of the academic training if this date precedes the date of graduation by more than 45 days.

(3) Recoupment. Educational costs of the program are subject to recoupment when members of the program are dropped for deficiency in conduct or studies, or, when members for other reasons fail to fulfill their contractual agreement as a result of action not initiated by the Government. Effective 25 Sep 1980, the stipend ceased to be part of educational costs and is, therefore, not subject to recoupment.

**b. Active Duty.** Members enrolled in this program will be ordered to active duty for a period of 45 days during each year of participation in the program. Such members may be paid an advance of pay when reporting for the 45-day active duty tour (see paragraph 40106). During the active duty period (including allowable travel time under table 1-2-4), members serve in pay grade 0-1 and are entitled to full pay and allowances (see chapter 2, this part) of that grade. This applies even though a member may hold a higher Reserve grade under a different statute. Any creditable service before entering this program is includable in determining the rate of basic pay.

## 80503. Officer's Initial Uniform Allowance

A member of the Armed Forces Health Professions Scholarship program is entitled to an initial uniform allowance upon reporting for the first period of active duty required by 10 USC 2121(c) (see paragraph 30602).

## 80504. Servicemen's Group Life Insurance (SGLI)

While under this program members are entitled to SGLI coverage for the 45-day active duty tour (see paragraphs 70401-70408). For deductions during active duty periods, see paragraph 70405.

## 80505. Tax Withholding

a. Active duty pay paid under this program is subject to Federal Income Tax Withholding (FITW) and Federal Insurance Contribution Act (FICA) in the same manner as prescribed in part seven, chapters 1 and 2.

★ b. Monthly stipends paid to students entering the program on and after 1 Jan 1981 are subject to FITW. The stipend of students enrolled before 1 Jan 1981 remains exempt through calendar year 1984. Monthly stipends are not subject to FICA withholding.

★ c. Amounts paid directly to schools on behalf of students for tuition, books, fees, and laboratory expenses and any reimbursements for such items paid to students participating at any time in the program are not subject to either FITW or FICA withholding.

### 80506. Settlement of Deceased Member's Accounts

See part four, chapter 5, section B, for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend).

# ★CHAPTER 6
# BONUS PROGRAM FOR THE INDIVIDUAL READY RESERVE/INACTIVE NATIONAL GUARD

## 80601. Authority

Title 37 USC, section 308h, authorizes a bonus for the Individual Ready Reserve (IRR) and Inactive National Guard (ING). Current or prior service members must enlist, reenlist, or voluntarily extend an enlistment in the IRR/ING for 3 years or more to qualify for the bonus.

## 80602. Enlistment, Reenlistment or Voluntary Extensions

**a. Basic Conditions of Entitlement.** A bonus may be awarded during the period 29 May 1984 through 30 Sep 1985 to an enlisted member of the IRR/ING under the following conditions:

(1) An individual must:

(a) Remain an enlisted member during the period of enlistment, reenlistment, or extension;

(b) Be qualified in and assigned a primary or secondary military occupational specialty (MOS) rate, specified Navy ratings or NEC's or Air Force specialty code (AFSC) in a combat or combat support skill designated by the Secretary of the Service concerned.

(2) An individual who completes obligation to one military service may be accepted by another military service for enlistment under this program provided the individual possesses a skill approved by the gaining service for payment of bonus.

(3) Army members who transfer from the ING to the IRR may continue to receive this bonus provided such members continue to serve satisfactorily.

**b. Restrictions.** Individual should not have completed more than 11 years of total military service unless service requirements cause the Secretary concerned to extend the requirement.

## 80603. Amounts Payable

a. An amount of up to $900 may be paid in a lump sum upon enlistment, reenlistment, or extension, or in installments during the term of the commitment as determined by the Secretary concerned.

b. An additional amount of up to $900 may be paid for a subsequent reenlistment/extension provided the individual meets the eligibility criteria of paragraph 80602.

## 80604. Obligation

A member must be contractually obligated to serve satisfactorily, as prescribed by the regulations of the service concerned, in the IRR/ING for the full term of enlistment, reenlistment, or extension. The use of extensions in lieu of reenlistments is authorized and encouraged to reduce the administrative burden of the reenlistment process and to eliminate the need for the oath of enlistment/reenlistment. Participants must obligate themselves to continue to serve in the same military occupational specialty unless excused for the convenience of the Government. A bonus recipient who later transfers to the Selected Reserve is not required to refund the IRR/ING bonus. Bonus recipients who transfer to the Selected Reserve are not eligible for a Selected Reserve reenlistment bonus during the period for which an IRR or ING bonus was paid.

## 80605. Termination of Bonus Entitlement

Entitlement to the IRR/ING bonus will be terminated if a member:

a. Fails to participate satisfactorily in the Ready Reserve in accordance with the regulations of the service concerned;

b. Accepts a civilian position where membership in the Reserve is a condition of employment (persons on temporary assignment excluded);

c. Is separated from the Ready Reserve as an enlisted member for any reason (including enlistment or voluntary recall into the active forces);

d. Becomes a simultaneous member of an authorized officer program drawing a stipend or;

e. Moves to a non bonus-qualified MOS,

unless at the express direction of the service concerned (through no fault of the member).

### 80606. Recoupment of Payments

a. Any refund made by a member shall not affect the period of obligation of such member to serve as a Ready Reservist. Recoupment of unearned portions of the IRR/ING bonus is required when the member:

(1) Fails to satisfactorily complete the designated term of enlistment, reenlistment, or extension of enlistment for which the bonus was paid unless the failure was due to reasons beyond the control of the member (for example, death, injury, illness, or other impairment not the result of member's misconduct).

(2) Accepts a civilian position where membership in the Reserve is a condition of employment, if less than one-half of the contract term for which a bonus is payable has been served (persons on temporary assignment excluded);

(3) Separates from the Ready Reserve as an enlisted member (including enlistment or voluntary recall into the active component) other than by death or to accept an appointment as an officer in the Ready Reserve.

(4) Accepts an immediate appointment as an officer in the Ready Reserve, if less than 1 year of the term has been served; or,

(5) Moves to a non bonus-eligible MOS, unless at the express direction of the service concerned (through no fault of the member).

b. Recoupment will be the amount of bonus received multiplied by the quotient produced by dividing the number of whole months remaining unserved by the number of months in the term of the bonus. The product is the amount recouped.

EXAMPLE: An individual reenlists in the IRR for 3 years and receives the maximum bonus of $900. Five months later, the individual is disqualified from entitlement to the bonus:

Amount of bonus received $900
Multiplied by:
Number of whole months remaining
divided by term of bonus:31/36 = .8611
x.8611
Amount to be recouped $774.99

c. Recoupment is not required when the member fails to complete the term of enlistment, reenlistment, or extension because of:

(1) Death

(2) Injury, illness, or other impairment not the result of own misconduct.

## Attachment 1

# GLOSSARY OF TERMS

This glossary is for general reference in the use of this manual as it relates to Military Pay and Allowances Entitlements. These definitions have application unless the term in question is otherwise qualified or defined in the pertinent chapter of the manual.

## A

**Absence Over Leave.**
Absent beyond the period for which leave was authorized.

**Absent Without Leave (AWOL).**
Absence from a place of duty without permission or authorization and without the intention of deserting.

**Academic School Year.**
Commences with the date required to report for courses of instruction for the member's chosen degree or Naval/Military Science classes, whichever occurs first, and terminates upon completion of either of the above, whichever occurs later.

**★Active Duty.**
Full-time duty in the active service of a uniformed service, including full-time training duty, annual training duty, and attendance while in the active service, at a school designated as a service school by law or by the Secretary concerned.

**Active Duty for Training.**
Full-time duty in the active military service of the US for training purposes.

**★Active Duty List.**
A single list for the Army, Navy, Air Force, or Marine Corps which contains the names of all officers of that armed force, other than officers described in 10 USC 641 who are serving on active duty.

**Active Service.**
Active Service means service on active duty.

**Advance Payment.**
Payment of pay (pay and allowances in certain cases) before it is earned.

**Advanced Leave.**
Leave authorized in advance of that accrued.

**Allotment.**
A definite portion of the pay and allowances of a person in the military service, which is authorized to be paid to a qualified allottee.

**Allottee.**
The person or institution to whom the allotment is made payable. Allotter. The person from whose pay the allotment is made.

**Allowance.**
A monetary amount paid to an individual in lieu of furnished quarters, subsistence, or the like.

**Appropriation.**
An amount of money specifically authorized by Congress against which obligations may be incurred and from which payments may be made.

**Armed Forces of the United States.**
Includes the Army, Navy, Air Force, Marine Corps, and Coast Guard, and all components thereof.

**Aviation Service Career (Not on Extended Active Duty).**
An officer not on extended active duty who holds an aeronautical rating and is qualified for aviation service under regulations prescribed by the Secretary of the military department concerned, shall be considered to be performing aviation service on a career basis, as prescribed in Title 37, USC 301a, so long as he is performing operational flying duty, or is assigned to a rated position in a Reserve component or is considered by that component as an asset to the rated inventory and within the preceding 24 months was either on extended active duty as a rated officer or assigned to a rated position in a Reserve component.

## B

**Basic Allowance for Quarters (BAQ).**
An amount of money prescribed and limited by law which an officer or enlisted member receives to pay for quarters not provided by the Government.

**Basic Allowance for Subsistence (BAS).**
A cash allowance, by law payable to officers at all times, to help reimburse them for the expense of subsisting themselves. For enlisted personnel, a cash allowance payable when rations in kind are not available; when permitted to ration separately; or

when assigned to duty under emergency conditions where no messing facilities of the United States are available.

**Basic Pay.**
The pay of an officer or enlisted member according to the rank and longevity before additional amounts are added for quarters, subsistence, flying status, overseas duty, etc.

**Beneficiary.**
The recipient of certain benefits due as a result of relationship to or designation by a member.

**Brevie Line.**
A designation of a particular demarcation line which appears on Hydrographic Office Charts used to correspond to portions of the boundary of a hostile fire zone.

## C

**Cadet or Midshipmen (ROTC).**
A member of the SROTC program receiving financial assistance under 10 U S C 2107 for tuition, fees, books, and laboratory expenses.

**Cash Maintenance Allowance.**
Refers to the several types of clothing maintenance allowances paid by cash; for example: standard, basic, special, etc.

**Certifying Officer.**
A person authorized to attest to the accuracy or legality of facts, especially those which support a demand for payment.

**Commissioned Officer.**
Unless otherwise qualified, means a member of the uniformed services having rank or grade of second lieutenant, ensign, or above, either permanent or temporary, in any of the uniformed services.

**Commuted Rations.**
The monetary allowance given in lieu of subsistence to entitled personnel on leave or otherwise authorized to mess separately.

**Competent Orders.**
Orders issued by the Secretary concerned or such officer or officers as the Secretary may designate, to members of their respective services or to members of other services when such latter members are performing duty with a service other than their own.

**Continental United States.**
Unless otherwise qualified, means the 48 contiguous States and the District of Columbia.

**Currency-blocked Country.**
A country, specified by the Treasury Department, to which dollar instruments may not be transmitted.

## D

**Dependent.**
With respect to a member of a uniformed service, dependent means:

(1) Spouse;

(2) Unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

(a) Is under 21 years of age; or

(b) Is incapable of self-support because of a mental or physical incapacity, and in fact relies on member for over one-half of the dependent's support; and

(3) A parent (including a stepparent or parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before reaching 21 years of age) who in fact relies on member for over one-half of dependent's support; however, the dependency of such a parent is determined on the basis of an affidavit submitted by the parent and any other evidence required under regulations prescribed by the Secretary concerned, and the parent is not considered a dependent of the member claiming the dependence unless—

(a) The member has provided over one-half of the support for the period prescribed by the Secretary concerned; or

(b) Due to changed circumstances arising after the member enters on active duty, and in fact relies on member for over one-half of dependent's support.

The relationship between a stepparent and stepchild is terminated by the stepparent's divorce from the parent by blood.

**Desertion.**
Absence without leave with intent to remain away permanently.

**Designated Applicant (ROTC).**
A student at an institution where a unit of the Senior Reserve Officers' Training Corps (SROTC) is established who did not participate in the SROTC program during the first 2 academic years, but desires to participate in the advance portion of the program during the 2 remaining academic years and possesses all other qualifications.

**Detention of Pay.**
The withholding of a portion of a member's pay, as punishment, for a stated period.

**Disbursing Officer.**
An officer responsible and accountable for the disbursement and collection of public funds, especially military pay and allowances.

**Dual Status.**
Enlisted members of the Naval or Marine Corps Reserve on duty as temporary officers under 10 U.S.C. 5596–5597.

**Duty Station.**
The place at which the member is assigned for regular duty; also, the place at which the member performs an assigned duty.

## E

**Enforced Separation.**
Involuntary separation of the member from his dependents as a result of official orders.

**Enlisted Member.**
A person enlisted, enrolled, or conscripted into the military service.

**Enlistee.**
A person who has voluntarily enlisted for military service.

**Enlistment.**
1. A voluntary entrance into military service under enlisted status, as distinguished from induction through Selective Service.
2. A period of time, contractual or prescribed by law, which enlisted members serve between enrollment and discharge.

**Entitlement.**
To have the legal right to receive items of pay and/or allowances.

**Erroneous Payment.**
A payment of pay and/or allowances to a member to which he is not entitled.

**Excess Leave.**
Leave granted in excess of that accrued or advanced.

**Exigencies of the Service.**
Urgent demands of the military service.

**Expiration of Term of Service.**
The end of a required, or contracted, period of service.

**Extension of Enlistment.**
Contracted agreement which extends an enlisted member's current enlistment for a stated period beyond normal expiration of that enlistment.

## F

**Federal Insurance Contribution Act (FICA).**
The Federal statute which requires the withholding of tax from salaries of employees covered by the Social Security Act and the payment of employer's tax by Federal agencies.

★ **Financial Organizations.**
Any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

**Flag Officer.**
Comparable to Army, Air Force, and Marine Corps General Officer.

**Fleet Reserve or Fleet Marine Corps Reserve.**
A component of the regular service to which members may be transferred and released from active duty after obtaining 20 or more years of active Federal service.

**Flight Requirement.**
The number of hours or minutes of flying time required to qualify for entitlement to incentive pay for a specific period of time.

**Flying Status.**
The status of a member who is required by orders to participate in frequent and regular aerial flights.

## G

**Government Mess.**
"Government Mess" means any of the following, provided it is made available to, or utilized by, the member concerned, even though officers are assessed a charge therefore:

1. Any general or service organizational mess, including messing facilities of a state-owned National Guard camp;
2. Any Army or Air Force officers' or student officers' field mess;
3. A Navy, Marine Corps, or Coast Guard officers' closed mess; or an officers' wardroom mess or warrant officers' and chief petty officers' mess afloat;
4. Box lunches, in-flight meals, or rations furnished by the Government.

**Government Quarters or Housing Facilities.**

Includes the following: (1) Any sleeping accommodations or family-type housing owned or leased by the US Government; (2) lodgings or other quarters obtained by US Government contract; (3) dormitories or similar facilities operated by cost-plus-a-fixed-fee contractors; (4) any sleeping or housing facilities furnished by a foreign government on behalf of the US Government; (5) transient facilities such as guest houses, hostess houses, and hotel-type accommodations. (Accommodations built and operated by nonappropriated fund activities are considered to be rental quarters for the purpose of BAQ eligibility.) Payment of service charges for laundering of linens, janitorial services, etc., has no effect on whether the facilities are considered Government quarters or housing facilities; (6) quarters in a state-owned National Guard camp.

## H

**He, His, Him.**

"He," "his," and "him" include the terms "she" and "her."

**Home.**

The place recorded as home when the member was ordered to active duty.

## I

**Inactive Duty Training.**

1. Duty prescribed for members of a Reserve component by the Secretary concerned.
2. Special additional duties authorized for members of a Reserve component by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with prescribed training or maintenance activities of the units to which they are assigned.
3. This term also includes duties in 1 and 2 above when performed by members of the National Guard. Such duties include:
   a. Unit training assemblies.
   b. Training or other duty the member is required to perform, with or without his consent. This includes, but is not limited to, appropriate duty or equivalent training and additional flying training periods.
4. This term does not include work or study for a correspondence course of a uniformed service.
5. For pay purposes, inactive duty training must be performed under orders, cover a specific assignment, and have a prescribed time limit.

**Inductee.**

One who is inducted.

**Induction.**

To take a person into any of the Armed Services of the United States without voluntary action on his part.

**In Loco Parentis.**

A person who stood in place of the natural parent(s) to the service member. (See also "Parent.")

**Issue in Kind.**

An issue in goods rather than in money.

## L

★**Legal Process.**

The term legal process means any writ, order, summons, or other similar process in the nature of garnishment, which—

(1) is issued by:

(a) A court of competent jurisdiction within any State, territory, or possession of the United States;

(b) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process; or

(c) An authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to State or local law, and

(2) Is directed to, and the purpose of which is to compel, a Governmental entity, which holds moneys which are otherwise payable to an individual, to make a payment from

such moneys to another party in order to satisfy a legal obligation of such individual to provide child support or make alimony payments.

**Lost Time.**
That period of time not included in determining cumulative years of service for all military purposes.

**M**

**Medical Pay Date.**
The date from which a medical or dental officer's active medical service is computed for purposes of increase in special pay.

**Member.**
A person appointed or enlisted in, or conscripted into, a uniformed service. (Cadets or midshipmen of the service academies are considered members only for the purpose of establishing entitlement under the provisions of chapter 3, part 4).

**Member (ROTC).**
A student who is enrolled in the Senior Reserve Officers' Training Corps of an Armed Force, under 10 U.S.C. 2104.

**Missing Status.**
Includes missing, missing in action, interned in a foreign country, captured, beleaguered, beseiged by a hostile force, or detained in a foreign country against a member's will.

## O

**Officer.**
A commissioned or warrant officer.

**Operational Flying Duty.**
Flying performed under competent orders by rated or designated members while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary of the Military Department concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

**Overpayment.**
An amount paid to a member which is in excess of that to which entitled.

## P

**Parachute Accident.**
A parachute accident is an accident which results in injury to a qualified parachutist or parachute rigger, or a member in training for such rating during a regular tour of duty. To be considered a parachute accident the injury must occur while the member is on board an aircraft incident to assigned duties, or as a result of jumping from, being thrown from, or being struck by an aircraft or any part or auxiliary thereof.

**Parent.**
The natural father or mother, and father or mother through adoption. It also includes persons who have stood "in loco parentis" to a member. See also definition for "Dependent."

**Permanent Change of Station.**
The assignment, detail, or transfer of a member or unit to a different duty station under competent orders which neither specify the duty as temporary, nor provide for further assignment to a new station, or direct return to the old station. (For more detailed definition, see vol I, JTR, Appendix J.)

**Permanent Station.**
In general, the post of duty or official station to which member is assigned for permanent duty. (For more detailed definition, see vol I, JTR, Appendix J.)

**Public Quarters.**
See Government quarters or housing facilities.

**Punitive Discharge.**
A dishonorable or bad conduct discharge ordered as punishment under the Uniform Code of Military Justice.

## R

**Rations in Kind.**
Meals furnished rather than money in lieu thereof.

**Reenlistment Bonus.**
Special pay to an enlisted member who reenlists under provisions of 37 U.S.C. 308.

**Rental Charge.**
Refers to a charge made on account of occupancy. Does not include service charges for linen, cleaning, maintenance, etc.

**Reserve Components.**
The Army National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service.

**Retired List.**
Any one of several lists of military members retired from the regular or reserve components of the armed forces.

## S

**Saved Pay.**
Special pay provisions that allow military members, under certain circumstances, to retain entitlement to amounts of pay and/or allowances authorized under prior laws or for a lower grade from which promoted.

**Separate Rations.**
See "Commuted Rations."

**Separation.**
Discharge, release from active duty, retirement, death, or in the case of enlisted members, the date when they begin to serve on a voluntary extension of enlistment for any period of time.

**Service Academy Cadet or Midshipman.**
A person in training at one of the service academies to become a commissioned officer.

**Statutory Limitations.**
The legal limits or restrictions as provided by law.

**Stipend Payment.**
A fixed sum of money paid periodically for services or to defray expenses, especially payment to medical officers on duty at civilian medical facilities.

## T

**Temporary Officer Status.**
A member of the Navy or Marine Corps appointed a temporary officer under the provisions of 10 U.S.C. 5596-5597.

**Total Forfeiture.**
Forfeiture of all pay and allowances as punishment under the Uniform Code of Military Justice.

U

**★Uniformed Services.**
The Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service and the commissioned corps of the Environmental Science Services Administration now known as the National Oceanic and Atmospheric Administration.

**United States**
The 48 contiguous States, the District of Columbia and the States of Alaska and Hawaii.

V

**Variable Reenlistment Bonus.**
Special pay to an enlisted member with a critical skill, in addition to a regular reenlistment bonus, under provisions of 37 U.S.C. 308g.

W

**Warrant Officer.**
A person who holds a commission or warrant in a warrant officer grade.

# Attachment 2

## COMPARABLE TERMS

| Army | Navy | Marine Corps | Air Force |
|---|---|---|---|
| Secretary of the Army | Secretary of the Navy | Secretary of the Navy | Secretary of the Air Force |
| Chief of Staff, United States Army | Chief of Naval Operations | Commandant of the Marine Corps | Chief of Staff, United States Air Force |
| Office, Comptroller of the Army | Office of the Comptroller Department of the Navy | Fiscal Director of the Marine Corps | Directorate of Accounting and Finance, Headquarters US Air Force |
| US Army Finance and Accounting Center | Navy Finance Center | Marine Corps Finance Center | Air Force Accounting and Finance Center |
| The Adjutant General | Chief of Naval Personnel | Deputy Chief of Staff for Manpower | Directorate of Administration |
| Army Audit Staff, US General Accounting Office | Navy Audit Staff, US General Accounting Office | | Air Force Audit Staff, US General Accounting Office |
| Finance and Accounting Officer | Disbursing Officer | Disbursing Officer | Accounting and Finance Officer |
| Enlisted Member(s) | Enlisted Member(s) | Enlisted Member(s) | Airman (Airmen) |
| Official Army Register | Navy and Marine Corps Register—Naval Reserve and Marine Corps Reserve Register | Navy and Marine Corps Register—Naval Reserve and Marine Corps Reserve Register | Official Air Force Register |
| Regular Army | Regular Navy | Regular Marine Corps | Regular Air Force |
| Pay Entry Basic Date (PEBD) | Pay Entry Base Date (PEBD) | Pay Entry Base Date (PEBD) | Pay Date |

# COMPARABLE GRADES

| | Army | Navy | Marine Corps | Air Force |
|---|---|---|---|---|
| 0-10 | General | Admiral | General | General |
| 0-9 | Lieutenant General | Vice Admiral | Lieutenant General | Lieutenant General |
| 0-8 | Major General | Rear Admiral (UH) | Major General | Major General |
| 0-7 | Brigadier General | ★ Rear Admiral (LH) or Commodore | Brigadier General | Brigadier General |
| 0-6 | Colonel | Captain | Colonel | Colonel |
| 0-5 | Lieutenant Colonel | Commander | Lieutenant Colonel | Lieutenant Colonel |
| 0-4 | Major | Lieutenant Commander | Major | Major |
| 0-3 | Captain | Lieutenant | Captain | Captain |
| 0-2 | 1st Lieutenant | Lieutenant (JG) | 1st Lieutenant | 1st Lieutenant |
| 0-1 | 2nd Lieutenant | Ensign | 2nd Lieutenant | 2nd Lieutenant |
| E-9 | Sergeant Major and Specialist Nine | Master Chief Petty Officer | Sergeant Major or Master Gunnery Sergeant | Chief Master Sergeant |
| E-8 | First Sergeant or Master Sergeant and Specialist Eight | Senior Chief Petty Officer | First Sergeant or Master Sergeant | Senior Master Sergeant |
| E-7 | Platoon Sergeant or Sergeant First Class and Specialist Seven | Chief Petty Officer | Gunnery Sergeant | Master Sergeant |
| E-6 | Staff Sergeant and Specialist Six | Petty Officer, 1st Class | Staff Sergeant | Technical Sergeant |
| E-5 | Sergeant and Specialist Five | Petty Officer, 2nd Class | Sergeant | Staff Sergeant |
| E-4 | Corporal and Specialist Four | Petty Officer, 3rd Class | Corporal | Sergeant |
| E-3 | Private First Class | Seaman | Lance Corporal | Airman, First Class |
| E-2 | Private | Seaman Apprentice | Private First Class | Airman |
| E-1 | Private | Seaman Recruit | Private | Airman, Basic |

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